



SUBSTANCE TESTING		ST
Version: 02	Implementation date: 06/08/2020	Availability: Official-Public
Performance Standard: Any risk to the safety and security of the facility, staff and prisoners is identified and prevented, where possible, or managed with swift and appropriate intervention (using identified tools) to prevent the event escalating.		
Outcomes:		
Risks are promptly identified and prevented or managed.		
Risk management processes and tools identified within this Practice Directive are applied to manage risks.		
Accountability:		
Chief Superintendent, General Manager of a corrective services facility	<ul style="list-style-type: none"> Develops relevant processes to manage identified risks and oversees the application of risk mitigation tools. 	
Correctional Manager	<ul style="list-style-type: none"> Supports Chief Superintendent, General Manager of the corrective services facility in the oversight of risk management processes and risk mitigation tools. Supports staff in the application of risk management. 	
Correctional Supervisor	<ul style="list-style-type: none"> Oversees the identification of risk. Implements risk mitigation tools and strategies. 	
Corrective Services Officer	<ul style="list-style-type: none"> Remains vigilant to indicators and risks, assesses risks and intervenes using identified mechanisms where appropriate. Complete prisoner searches and urine testing as appropriate in response to prisoner movement and transfers. 	
Process Owner: Custodial Operations maintain ownership and responsibility for review and amendment of the Practice Directive.		

Human Rights

To ensure corrective services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights, including but not limited to:

- The prisoner's right to equal and effective protection against discrimination;
- The prisoner's right not to be treated or punished in a cruel, inhuman or degrading way;
- The prisoner's right to privacy and reputation;
- The prisoner's cultural rights – generally and for Aboriginal and Torres Strait Islander peoples; and
- The prisoner's right to be treated with humanity and respect, and with respect for the inherent dignity of the human person.

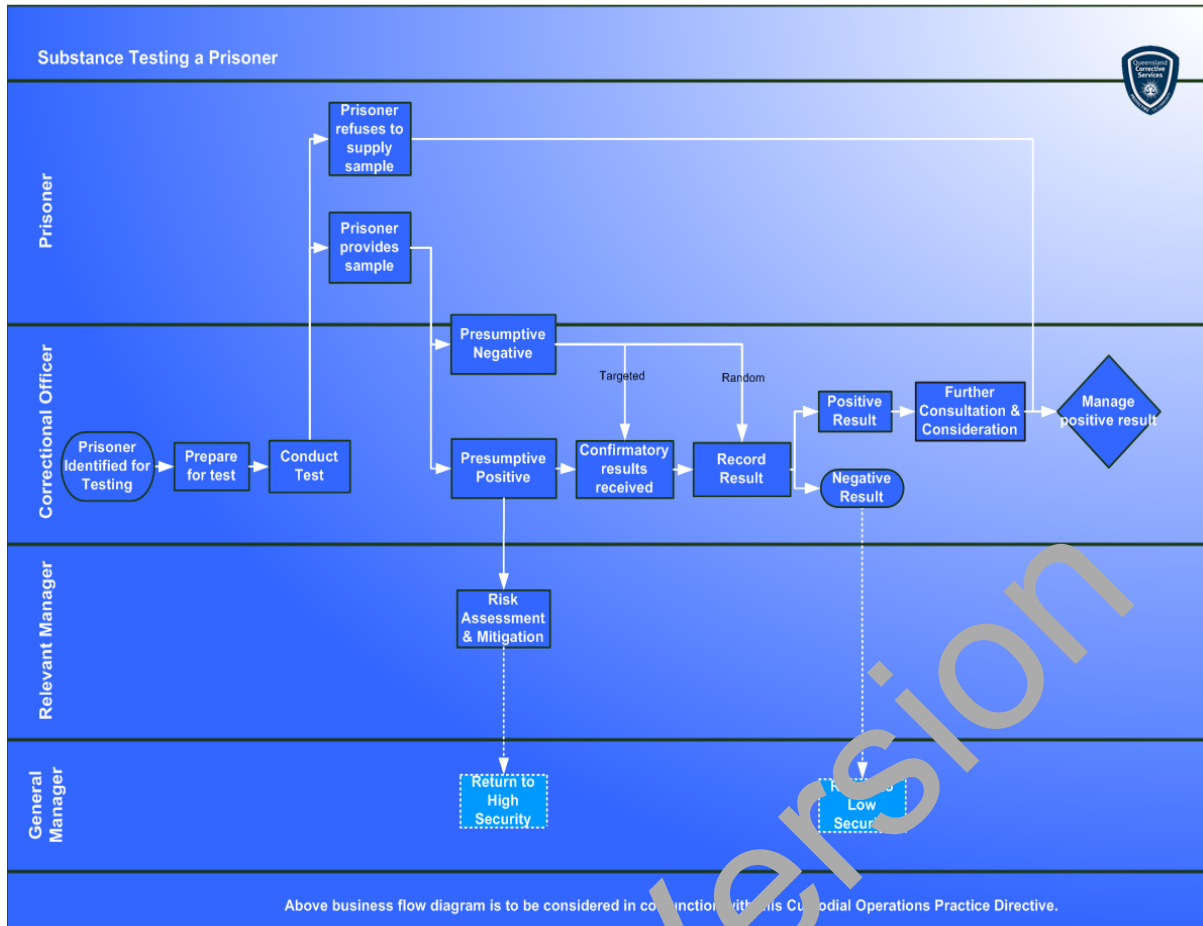
Limitation of human rights

Human rights can be limited if certain conditions are present:

- The limit must be provided under law;
- The limit must be reasonable;
- Any impositions on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.



A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.



Overview

Unauthorised substance use is prohibited in any corrective services facility. This is integral to the safety of the centre and rehabilitation of prisoners.

A Chief Superintendent, General Manager of a corrective services facility is responsible for ensuring that activities are undertaken in the centre to detect and manage unauthorised substance use. Staff must undertake and perform activities to detect and manage unauthorised substance use in accordance with legislative, policy and procedure. A prisoner must be treated with due regard for their human rights and inherent dignity during the substance testing process.

Facilities must roster adequate staff to collect the test samples for substance testing programs. Testing must use split sample test cups. Any presumptive positive must be confirmed using GC/MS technology (i.e. sent to laboratory for a confirmatory test).

Substance testing of prisoners is provided for in sections 41-43 of the CSA and Corrective Services Regulation 2017 (CSR) Part 2, Division 5: Test Samples.

Testing Regimes

The Chief Superintendent, General Manager of a corrective services facility must ensure appropriate resources are available to undertake substance testing.



Prisoner Identified for Testing

A prisoner may be required to undergo testing to determine unauthorised substance use (refer CSA s41-43) – this is inclusive of persons serving a detention order under the Dangerous Prisoners (Sexual Offenders) Act 2003 (DPSOA) or other court order.

A prisoner will be subject to testing for the following reasons:

- identified on the Random Testing program (refer Testing Regimes section of this PD)
- identified for a targeted test (refer Testing Regimes section of this PD, Indicators for Targeted Substance Testing (Custodial) section of this PD); or
- the managing correctional centre must develop a drug strategy for work camps (refer Testing Regimes section of this PD.)

Prepare for Test

Only prisoners identified for the random testing program or targeted testing in accordance with previously identified means should be tested.

At least two officers must be present during the sample taking and testing process. Officers involved in sample taking must have demonstrated competency in substance testing procedures as part of the Custodial Officer Entry Program or training assessed as equivalent by the General Manager, QCS Academy.

The collecting officer must have the relevant delegation of the chief executive powers. Refer Instrument of Delegation of Chief Executive Powers – Corrective Services Act 2006.

The safety of officers collecting and testing urine is paramount. Officers, when collecting or testing urine, particularly those with cuts/abrasions, must exercise due care and take all necessary precautions. Officers must be provided with all relevant associated personal protection equipment as outlined in Collecting a Urinalysis Sample Appendix ST1 and Collecting a Breath Sample Appendix ST2. Refer Drug Test (Custodial) Administrative Form 68, Chain of Custody Administrative Form 69, Urine Toxicology Service Request Form – Custodial Testing Administrative Form 70, Request for Anabolic Steroids Declaration Administrative Form 71 and Direction on Ordering Consumables For Substance Testing Appendix ST3.

If a prisoner is known to display aggressive or inappropriate behaviour, officers should discuss and determine appropriate arrangements in advance of the sample being taken with the Chief Superintendent, General Manager of the corrective services facility.



Conduct the Urinalysis Test

Refer to Operational Instruction – Collecting a Breath Sample Appendix ST2 and Operational Instruction – Collecting a Urinalysis Sample Appendix ST1.

Additional consideration must be given to managing spills throughout the process of the test.

The laboratory certificate of the presumptive results and, if relevant, certificate of confirmation test results must be placed on file. In addition, all test results must be recorded in IOMS (including failure to provide a sample).

If a prisoner has relocated (to another corrective services facility or Probation and Parole office), it is the responsibility of the facility where the sample was obtained to record the results in IOMS and forward the results.



Presumptive Positive

All samples which test positive via the test cup must be sent to the laboratory for confirmation. A breach process must not be commenced prior to confirmation being received. Refer Urine Toxicology Service Request Form - Custodial Testing Administrative Form 79 and Freight of Urine Samples Appendix ST4.

Should a prisoner test presumptively positive to an illicit substance appropriate risk mitigation strategies must be considered and actioned with regard to the prisoner's risk profile including but not limited to the prisoner's:

- presentation
- breach and incident history
- substance abuse history
- offending profile
- employment
- escape risk
- health
- propensity for violence
- presumptive positive test (substance type); and
- consider any potential risks to the prisoner, other prisoners, staff and the community.

The consideration points and any decision and or risk mitigation strategies must be added as a case note in IOMS.

Confirmatory Results Received

Test results for random testing are centrally correlated by Specialist Operations. Once all confirmatory results are received and collated, results are forwarded to the relevant facilities.

Positive results for targeted testing will be returned to the sending centre.

The Chief Superintendent, General Manager is responsible for considering and approving the return of a prisoner to secure custody when a presumptive positive result is returned.



A presumptive positive test result for a prisoner located at a low custody corrective services facility must be reviewed to establish if there are any potential risks to the safety and security of the centre.

Test Result

The prisoner must be notified of the final result of the test. This may include providing a copy of the laboratory result.

On receiving a confirmatory test result, the corrective services facility must consult (with appropriate authorisation) with local centre-based health services staff to determine if the prisoner may have received authorised medication that may result in a positive indication for the drug type prior to providing the sample. If the prisoner was provided authorised medication, Queensland Health staff must sign and date a copy of the confirmatory test results to be retained by the facility and the IOMS record updated.

In the instance of a random test advice, from local centre-based health services staff only, must be provided to Specialist Operations that a prescribed drug was the reason for the positive result. If a prisoner has received authorised medication, a copy of the result must be placed on the prisoner's file noting the test is void due to the prisoner being on medication, and no action is to be taken against the prisoner. Furthermore, the positive result must not be included in the results for the facility.

If the prisoner was not on authorised medication, consideration should be given to the prisoner's time in custody and the average retention period of the detected substance(s). If the prisoner has been in custody less than the average retention period, a copy of the result must be placed on their file and no further action is to occur. Refer Drug Test Cut-off Levels Appendix ST5 and Average Drug Retention Periods Appendix ST6.

If the prisoner has been in custody longer than the retention period and they were not on authorised medication, an incident report must be generated under the category of Drugs – Fail Test/Under the Influence. Where a drug test confirms a 'positive' result for drug use by a prisoner, a referral to the Commissioner of the Police Service (CoP) is not required, as a positive drug test in itself is not an offence in Queensland. A positive drug test, in the absence of any other alleged criminal conduct, should be dealt with as a breach of discipline only.

Refer CSA s 43 and 114; Practice Directive Incident Management: Incident Management Process and Practice Directive: Breaches

Manage Positive Result (including Fail to Supply, Refuse to Comply or Adulterated Sample)

In addition to the general considerations for inclusion in the development of the IMP, the Chief Superintendent, General Manager or delegate may also consider:

- imposing conditions on any visitor (other than a legal visitor) to the prisoner;
- the nature and frequency of further drug testing of the prisoner;
- the nature and type of any work or work programs undertaken by the prisoner;
- commencing a breach of discipline process. Where a breach of discipline has been proven to the requisite standard – the decision maker must take into consideration other management actions that the prisoner has been placed on when determining any penalty.

Risk Management Strategies (Substance Testing)

Queensland Corrective Services intends to remain tough on drugs in prison. Regular random and targeted drug testing is conducted in low custody and secure correctional centres to identify drug



users. Queensland Corrective Services will also be tough on identified drug suppliers and prisoners found in possession of drugs and drug related contraband.

All information related to a breach of discipline and drug test results are to be recorded on a prisoner's file in IOMS.

A risk assessment must be undertaken in circumstances where a prisoner has:

- returned a result that will be dealt with as a positive test result; or
- without reasonable excuse, as defined in CSA 43(4)(b), e.g. a medical condition confirmed by Queensland Health, failed to provide a sample for the purposes of substance testing; or
- provided a sample where there are reasonable grounds to believe the sample has been adulterated; or
- been found in the possession of medication (not prescribed by centre health staff); or
- been identified as a drug supplier; or
- been found in the possession of drug related utensils.

The risk assessment must consider:

- the circumstances surrounding the positive test, failure to provide a sample or the provision of an adulterated sample;
- the institutional conduct of the prisoner;
- the drug test history of the prisoner, in particular where the prisoner may have previously returned a positive test, failed to provide a sample or provided an adulterated sample;
- where the prisoner is currently accommodated;
- the risk the prisoner poses to the security or good order of the corrective services facility; and
- any other factor the Chief Superintendent, General Manager or delegate considers reasonable in the circumstances.

The risk assessment must then inform the Chief Superintendent, General Manager's (or delegate's) decision to implement an Intensive Management Plan (IMP) or other management action to address the nature of the prisoner's conduct, as determined by the delegate.

The conditions of the IMP must focus on mitigating risk to the prisoner, other prisoners, staff and the security and good order of the corrective services facility.

Placement of Male Prisoners Following a Drug Related Incident

The Risk Management Strategies that apply to male prisoners following a positive drug test, fail to supply, adulterated sample, possession of medication (not prescribed by centre health staff), identified drug supplier, and possession of drug related utensils are:

- the prisoner may be ineligible for transfer to low custody for three months.
- If located in low custody, consideration for return to high security for three months. Following this three month period the delegate is able to reconsider low custody placement taking into account:
 - the type of drug used or consumed;
 - any submissions by the prisoner;
 - custodial behaviour prior to the incident including any mitigating factors;
 - custodial behaviour following the incident;
 - the prisoner's willingness to engage in a substance intervention program and their motivation to remain drug free;
 - any known intelligence; and
 - input from the Chief Superintendent, General Manager of the corrective services facility prior to returning the prisoner to low custody.



[Redacted]

[Redacted]

[Redacted]

Response to Drug Related Incidents for Female Prisoners

To meet the unique risks and needs of female prisoners, any response to a drug related incident made by the delegate, needs to take into consideration the individualised risks/needs of the prisoner.

[Redacted]

[Redacted]

All Prisoners (Male and Female)

Where practicable, prisoners are to be referred to a drug intervention program or to a counselling session with a drug/alcohol counsellor. If there is a drug unit at the centre, the prisoner is to be referred to this unit for treatment where assessed as suitable.

Transfers of Prisoners from Low Custody to Secure Custody After a Drug Related Incident (Male and Female)

Upon a prisoner returning from low custody to secure custody, the delegate is to ensure that either an incident report or case note is entered within IOMS outlining:

- who made the decision for the prisoner to be returned to secure custody;
- the reason/s for the decision was made;
- information provided to the prisoner as to what action was being taken and the reason/s for their return to secure custody; and
- identification of any outstanding investigations or breach actions that would impede an Event Based Review (EBR) of the prisoner's security classification and/or placement.

Sentence Management Services are also to be notified upon the return of a prisoner from low custody to secure custody.



If a breach of discipline process is to commence in relation to a positive drug test, the Referring Officer and Deciding Officer should consider the capacity of the prisoner to effectively participate in the process, given the results of the drug test. This includes identifying an appropriate hearing date, which takes into account the likelihood that substances may remain in a prisoner's system for a period of time.

Refer to Average Drug Retention Periods Appendix ST6.

Responsible Officer (Substance Testing)

Corrective Services Officers are responsible for conducting substance testing in accordance with this Practice Directive and managing risk posed by prisoners with positive results.

An event based case note is to be entered by any relevant staff member providing details of urinalysis test results.

Correctional Supervisors and Managers are responsible for overseeing the process and supporting officers in managing risk posed by prisoners with positive results.

Approval and Review (Substance Testing)

The Chief Superintendent, General Manager is responsible for considering and approving the return of a prisoner to secure custody when a presumptive positive result is returned. If the prisoner has been returned to secure custody, an EBR is to be conducted by Sentence Management Staff to review the prisoner's security classification and/or placement. Refer to Practice Directive Sentence Management: Classification and Placement.

Further, if the delegate is considering returning the prisoner to a low custody facility at this review they are to ensure they have considered input from the Chief Superintendent, General Manager of the corrective services facility prior to returning the prisoner to low custody.

Public Version