



**JUSTICE AND PUBLIC SAFETY
CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**REFERENCES:
505 KAR 1:110
3-JCRF-4C-23, 24
1-JDTP-3B-16, 17
1-JBC-5C-12, 14
3-JTS-4C-24-2**

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

SUBJECT: Drug Screening and Testing

POLICY NUMBER: DJJ 322

TOTAL PAGES: 6

EFFECTIVE DATE: 4/05/2019

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, COMMISSIONER

I. POLICY

Youth may be subject to drug screening and testing as a means to protect the community, assure personal accountability, and assist in developing appropriate services and treatment planning. Drug screening and testing shall be conducted by certified facility staff.

II. APPLICABILITY

The Department of Juvenile Justice (DJJ) may screen and test youth in a youth development center (YDC) and group home.

III. DEFINITIONS

Refer Chapter 300.

IV. PROCEDURES

- A. A drug screen may be administered to youth in a group home or residential program with the approval of the Superintendent or designee.
- B. DJJ may use a combination of onsite screening and contracted testing services.
- C. A drug screening document shall be maintained at each DJJ onsite screening location. Each document shall specify the following:
 1. The youth's name;
 2. Date of screening;
 3. Name of staff person administering the screening;
 4. Name of the witnessing staff, if applicable;
 5. Reason for the screening; and
 6. The screening results.
- D. Screening and testing results may be used to:

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1. Identify youth who have recently used illicit drugs;
 2. Request further drug assessments;
 3. Notify the parent or caregiver of a youth's drug involvement;
 4. Update the treatment plan for the youth;
 5. Make a referral to an appropriate treatment agency;
 6. Hold youth accountable and apply responses for drug usage;
 7. Reinforce continued sobriety and abstinence; and
 8. Maintain a drug free facility.
- E. Staff shall provide youth with documentation during the orientation process that specifies that youth are subject to drug screening and testing, at any time. The following shall be included in this documentation:
1. The purpose of drug testing; and
 2. The consequences of positive test results which may include:
 - a. Graduated responses;
 - b. Movement to a more restrictive level of care;
 - c. Revocation of probation or supervised placement;
 - d. Criminal charges filed by a law enforcement agency; or
 - e. Sanctions by the court.
- F. Youth shall be informed, in writing, that failure or refusal to cooperate by providing a specimen, within two (2) hours of a request, is a rule violation and may result in graduated responses. Staff shall document the failure or refusal to cooperate in the electronic running record and youth hard case file. Youth at a DJJ program may be kept on one-to-one supervision until they provide a specimen.
- G. Drug screening may be randomly implemented for the purpose of deterrence of any illicit substance abuse.
- H. Youth may be screened on the basis of a suspicion of use or because the youth has been involved in a situation where activities have not been monitored by facility staff.
- I. Youth on probation may be court ordered to submit to regularly scheduled drug screens.
- J. Screening shall be conducted in a consistent manner. For each drug screen the process shall be conducted as follows:
1. Notification
 - a. Staff shall provide youth with the drug screen notification documentation to read and sign. Staff shall provide assistance to youth with literacy or language challenges; and
 - b. Staff shall inform youth that failure or refusal to cooperate may result in a graduated response;

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2. Pre-Screen Interview
 - a. Staff shall conduct a pre-screen interview to ascertain and document any recent use of prescription or non-prescription drugs; and
 - b. This information shall be retained in the youth's hard case file and electronic record and, if applicable, forwarded to contracted services as deemed appropriate;
3. Privacy during screening
 - a. Staff shall keep the youth under supervision throughout the screening process to ensure the integrity of the screen;
 - b. The youth shall be allowed to provide a specimen in the privacy of a stall or otherwise partitioned area;
 - c. If direct observation is necessary, the collection of the specimen shall be conducted by a staff member of the same sex and witnessed by an additional staff member of the same sex. Cases of direct observation include:
 - i. The youth is an initial intake;
 - ii. The individual has altered or substituted a specimen in the past;
 - iii. A previous urine sample was determined, by the laboratory, to have creatinine or pH levels outside the normal range or any other apparent abnormality;
 - iv. There is reason to believe the individual may alter or substitute a specimen;
 - v. The facility staff observes conduct indicating an attempt to substitute or alter the urine specimen; or
 - vi. The urine specimen falls outside the normal temperature range and a second screen is necessary;
4. Confidentiality
 - a. Facility staff and the laboratory involved in any aspect of the drug screening or testing program shall maintain strict standards of confidentiality, as required by law; and
 - b. Drug screening shall take place in a private setting. No other youth shall be present during any part of the procedure; and
5. Collecting the Specimen
 - a. Facility staff shall be trained to follow drug screening procedure;
 - b. Protective gloves shall be worn by staff during the collection process;
 - c. Staff shall provide a collection cup to each youth being screened; and

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- d. Staff shall take the following precautions to ensure a urine specimen cannot be tampered with during the collection process:
 - i. Place coloring agents in DJJ facility toilet tanks, when applicable;
 - ii. Instruct youth to thoroughly wash and dry their hands prior to urination;
 - iii. Ensure there is no source of water other than the toilet, or any other substance in the enclosure where specimens are collected;
 - iv. Require unnecessary garments, that could be used to conceal, to be left outside the collection area, such as coats, jackets, sweaters, purses, or any other personal items; and
 - v. Ensure any substances that could be used to alter the urine specimen are left outside the collection area.

K. Integrity of the Specimen

1. The collected urine specimen, either in private or witnessed, shall be returned to facility staff;
2. In the presence of the youth, facility staff shall verify the appropriate temperature of the specimen, within four (4) minutes of the sample being provided, in accordance with the vendor drug screening training; and

L. Conducting the preliminary drug screen

1. Facility staff shall utilize the screening strips provided by the contract agency to perform the preliminary drug screen;
2. If the specimen screens negative, the specimen shall be discarded;
3. If the student admits to any drug usage, the student shall be asked to sign a statement acknowledging their use and that the screen may be positive. Prior to providing a written statement, the student may be informed that the written statement may be used in legal proceedings. This written statement shall not be coerced and shall be provided by the student voluntarily. The specimen shall still be collected;
4. If the drug screen is positive, the student shall be asked to sign a statement acknowledging that he or she has been using drugs and the results of the drug screen are accurate. Prior to providing a written statement, the student may be informed that the written statement may be used in legal proceedings. This written statement shall not be coerced and shall be provided by the student voluntarily;

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5. If the youth acknowledges the positive results of the screen and signs the statement, the DJJ staff person shall address the positive drug screen. A confirmation test shall not be required; and
 6. If the youth disagrees with and does not acknowledge the positive results of the drug screen, a confirmation test shall be conducted using a contract agency. The facility staff shall follow the steps outlined below to prepare the specimen for processing by the contract agency.
- M. The process for the confirmation test shall be followed as directed by the contracted agency responsible for conducting the test.
- N. The analysis process is as follows:
1. An independent laboratory shall perform the confirmation test on all specimens;
 2. Samples testing positive, after both the screen and confirmation test, shall be considered positive for the purpose of retaining the specimen;
 3. Samples testing negative, after the confirmation test, shall be considered a negative result; however, samples testing negative, but diluted, may be retested;
 4. Positive samples shall be retained according to the policy of the independent laboratory; and
 5. The laboratory shall report which substance, or substances, the urine sample tested positive for, if any.
- O. The notification process regarding the test results shall be as follows:
1. The confirmation test results shall be reported to the Director of Medical Services, within five (5) business days of receipt of the specimen, excluding weekends and holidays;
 2. Results shall be transmitted, to the Director of Medical Services, in a manner designed to ensure confidentiality of the information;
 3. The Director of Medical Services shall verify the results of the confirmation test and notify the Superintendent and the Treatment Director of the test results; and
 4. The responsible facility staff shall notify the youth of the results within twenty-four (24) hours. Youth on furlough shall be notified of the results within one (1) business day. If a penalty slip is issued in a group home or YDC as a result of positive confirmation test results, the disciplinary review process shall be followed.
- P. Youth testing positive for drugs may be subject to escalating responses, as determined by the treatment team.

V. MONITORING MECHANISM

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The Division Director of Medical Services shall develop monitoring protocols to be used by the Superintendent. The Quality Assurance (QA) Branch shall monitor annually.