

YOUTH SERVICES POLICY

Title: Youth Drug/Alcohol Testing Next Annual Review Date: 08/05/2017	Type: C. Field Operations Sub Type: 2. Security Number: C.2.7
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References: La. R.S. 15:827(4) and 875(C), ACA Standards 4-JCF-4E-03, 4-JCF-4E-04, 4-JCF-4E-05, 4-JCF-4E-06; 4-JCF-5I-03 (Performance Based Standards for Juvenile Correctional Facilities); YS Policy Nos. A.2.7 “Drug-Free Workplace”, B.2.20 “Non-Discriminatory Services to Lesbian, Gay, Bisexual, Transgender, Intersex, Questioning (LGBTIQ), and Nonconforming Youth; B.5.1 “Youth Code of Conduct – Secure Care”, C.1.3 “Crimes Committed on the Grounds of Youth Services Facilities/Office Buildings or Properties”, and C.5.5 “Performance Measures”	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 08/05/2015

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S.36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the procedures to be followed in the administration of drug/alcohol testing of youth under supervision or in the custody of YS.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretary, YS Health Services Director, Regional Directors, Facility Directors, Regional Managers, and the Contracted Health Care Provider (CHP) are responsible for ensuring that all necessary procedures are in place to comply with this policy.

IV. DEFINITIONS:

Contracted Health Care Provider (CHP) - Contracted licensed practitioners responsible for the physical and mental well-being of the secure care youth population. Services include medical, dental, and mental health services, nursing, pharmacy, personal hygiene, dietary services, health education, and environmental conditions.

Drug Testing - Any chemical, biological, or physical analysis or test administered for the purpose of determining the presence or absence of a drug or its metabolites and/or alcohol. An analytical procedure to detect the presence of drugs or metabolites using approved drug-testing instruments

Illegal Substances - Controlled dangerous substances as defined in La. R.S. Title 40, alcohol, or any substance declared contraband or prohibited by policy.

LGBTIQ - Means youth who have identified themselves as lesbian, gay, bisexual or transgender, intersex or questioning their sexual orientation, or gender nonconforming youth.

Operations Shift Supervisor (OSS) - Responsible for a range of duties that support management in maintaining a safe, secure facility. Shift Supervisors oversee administrative and operational security activities during specific shifts; manage staff during each assigned shift; ensure adequate security coverage; lead count procedures; oversee the custody, supervision and control of secure care youth; manage frontline security staff; assist in controlling youth movement; assist in directing the use and issuance of keys, locks, and security equipment.

Positive Results - Results at or above the cutoffs established by the Mandatory Guidelines for Federal Workplace Drug Testing Programs, Federal Register notice published April 13, 2004 (69 FR 19644) effective November 1 2004, and as amended.

Probable Cause - Articulable knowledge supported by reasonable suspicion that a youth is under the influence of an illegal substance and/or that the youth is hiding contraband or drugs. Probable cause exists when facts and circumstances within the employee's knowledge and about which he has reasonable, trustworthy information are sufficient to support a reasonable belief that a youth is under the influence of an illegal substance and/or that the youth is hiding contraband or drugs.

Random Drug Test - A drug test performed monthly on a minimum of 15% of the youth population at a secure care facility.

Reasonable Suspicion - Suspicion supported by information (facts, tips and circumstances) which leads an employee of ordinary caution to believe that a youth is under the influence of an illegal substance and/or that the youth is hiding contraband or drugs. In determining reasonable suspicion an employee must consider the nature and reliability of the information in addition to facts contributing to or mitigating against it. If reasonable suspicion is based on information provided by another person the employee must also consider the degree of corroboration of the information.

Routine - Normal activity that is within the scope of established day to day procedures.

Testing Instruments - Approved testing device, such as a urine "tox-cup" or a disposable breath alcohol detector.

Training Records Entry Completed (TREC) - The database used to track training hours of all YS employees.

V. POLICY:

It is the Deputy Secretary's policy that the use of illegal substances and alcohol by youth presents a serious threat to youth health, public safety and the security of a facility. Drug/alcohol testing of youth is an effective means by which to detect the use of illegal drugs or alcohol. Youth Services (YS) is committed to providing an effective substance abuse testing program to protect the youth and staff, and providing graduated sanctions and appropriate treatment options. A positive test shall be responded to with appropriate sanctions and/or treatment/intervention.

Furthermore, it is the responsibility of YS to ensure that testing devices are approved by the Deputy Secretary/designee.

VI. PROCEDURES FOR SECURE CARE YOUTH:

A. General

Specimens for drug and alcohol testing shall be collected by CHP staff who has received the appropriate training in drug testing, devices and procedures. Testing devices for secure care youth shall require the approval of both the Deputy Secretary/designee and the CHP. An adequate supply of testing devices shall be maintained for the CHP, who shall provide proper storage and quality control for the devices, and train its staff in the use of the devices.

The CHP shall also provide training for male JJS staff in order that they may serve as witnesses to specimen collection when necessary, as described in D.2 below.

B. Testing

When YS staff identify a youth or group of youths whom staff has reasonable suspicion should be drug/alcohol tested, a "Request for Drug/Alcohol Test" form shall be completed [see Attachment C.2.7 (a)]. The form shall then be immediately submitted to the Operations Shift Supervisor (OSS), who shall seek approval from the Facility Director/designee for the test to be administered. In the absence of the OSS, the requesting employee shall submit the form to the Facility Director for his approval.

The Facility Director may give verbal approval for drug/alcohol testing, but he/she must sign the "Request for Drug/Alcohol Test" form upon submission from the OSS or an employee.

The "Request for Drug/Alcohol Test" form shall be maintained in the youth's Master Record as further described in this policy.

Drug testing is by urinalysis; alcohol testing is by breath analysis.

Upon approval, a youth shall be ordered to submit a specimen (urine/breath) as follows:

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1. When staff has a reasonable suspicion that a youth is under the influence of drugs;
2. When there is some indication of alcohol use;
3. When a youth is found to be in possession of suspected illegal drugs or alcohol, or when suspected illegal drugs or alcohol are detected or found in the youth's area of immediate control (refer to YS Policy No. B.5.1);
4. When a youth is observed to be in possession of or using what appears to be illegal drugs or alcohol, but staff are unable to locate the substance in question;
5. As part of the random drug testing conducted on 15% of the general population of the facility;
6. When a youth returns from any unescorted off-campus activity, including furloughs and escapes, he shall be drug and alcohol tested;
7. Youth returning from an escorted off-campus activity may be required to submit to drug and/or alcohol testing;
8. When a youth or several youth assigned to a housing unit test positive, the remaining youth in the dorm shall be tested; unit staff shall also be tested at that time pursuant to YS Policy No. A.2.7.
9. Pursuant to an ongoing investigation involving the possession/use of alcohol or drugs, the Director of IS may recommend testing.

C. Refusal of the test

If a youth refuses to be tested or refuses to submit a specimen, he shall be informed that such refusal shall be deemed a positive reading, and result in a Code of Conduct Violation for Contraband being lodged against him.

D. Urine specimen collection

1. The youth shall be escorted to the facility's infirmary. The JJS escorting the youth must remain with him throughout the testing and fill out the pertinent sections of the "Request for Drug/Alcohol Test" form.
2. Specimen collection shall be witnessed by OJJ staff of the same gender as the youth to ensure that the youth submits a valid unadulterated urine sample. If no CHP staff of the same gender are on duty at the time of the specimen collection, a trained OJJ staff shall function as the witness to the collection and complete applicable information on the "Request for Drug/Alcohol Test" form.

3. If the youth does not provide a urine sample immediately, he shall be detained for up to three (3) hours until he is able to provide a sample. If he does not provide a sample within three (3) hours, this shall be considered a refusal to submit a sample. A refusal shall be deemed a positive reading and the youth shall be charged with a Code of Conduct Violation for Contraband.

The youth's refusal or inability to comply shall also be documented by staff on an Unusual Occurrence Report (UOR).

4. When the testing is complete, the escorting staff shall deliver the completed "Request for Drug/Alcohol Test" form to the Facility Director, who shall ensure a copy is provided to the youth's Case Manager.

E. Urine specimen collection of LGBTIQ or Gender Nonconforming Youth

When a staff member is required to watch a LGBTIQ or gender nonconforming youth submit a urine sample for a drug test, the youth confirmed as transgender may request that either a male or female staff member observe the drug test. Pursuant to YS Policy No B.2.20, this request shall be documented on the "Statement of Search and/or Drug/Alcohol Screen Preference Form" [refer to Attachment B.2.20 (b)]. Appropriate staff shall be notified of this fact. The form shall be maintained in the youth's Master Record under Clip IV.

F. Breath testing for alcohol

1. Alcohol testing shall follow the same steps noted in "D" above, with the exception of the following:
 - a. There is no requirement that the test be administered or witnessed by a person of the same gender as the youth; and
 - b. A refusal to take this test differs due to the method used to collect a breath sample. Breath alcohol detector devices usually require the donor continuously blow into the device for a specified number of seconds. Should the youth not follow the instructions provided and does not blow a sufficient sample, this shall be considered a refusal. A refusal shall be deemed a positive reading and the youth shall be charged with a Code of Conduct Violation for Contraband.

The youth's refusal to comply shall also be documented by staff on an Unusual Occurrence Report (UOR).

G. Positive Results

1. Drugs:

A positive result on the urine screen shall require a repeat urine screen be conducted. When the repeat screen is complete, the escorting staff shall deliver the results to the Facility Director, who shall ensure a copy is provided to the youth's Case Manager. Positive results shall also be provided to the facility IS office.

2. Alcohol:

A positive result on the disposable breath alcohol detector device is self-evident and does not require a follow-up test. When the screening is complete, the escorting staff shall deliver the results to the Facility Director, who shall ensure a copy is provided to the youth's Case Manager. Positive results shall also be provided to the facility IS office.

H. Use of results

1. A positive drug or alcohol screen result may be used as evidence of the use of alcohol or the drug for purposes of a Youth Code of Conduct Violation.
2. Drug testing activities shall be reported and maintained monthly on the "Youth Drug/Alcohol Testing Report" [see Attachment C.2.7 (b)] by the CHP. The report shall reflect urine screens conducted (random and probable cause) with breakdown totals indicating the following:
 - a. Number of tests conducted,
 - b. Number of positives,
 - c. Percentage of positives,
 - d. Type of drug detected, and
 - e. Number of negatives.
3. The youth's Case Manager shall report the results of positive drug/alcohol tests or a refusal to the committing court through the Quarterly Progress Report to the Court.
4. When a Case Manager receives a drug/alcohol test yielding a positive result or a refusal, the Case Manager shall immediately counsel the youth regarding his substance abuse. If the youth reveals information to the Case Manager regarding the source of the illegal substance, the Case Manager shall report that information to IS by immediately completing a UOR and/or contacting the Employee Hotline @ 1-800-626-1430.

I. Consequences:

1. Pursuant to YS Policy No. B.5.1, when a youth is found guilty of a violation of "Contraband", he shall be disciplined.

2. A youth who tests positive for or refuses to test for drug or alcohol use may be recommended for participation in an appropriate substance abuse program. Such youth shall also be tested monthly for a minimum of three (3) months following the positive test result or the refusal.
3. Restitution may be obtained from the youth after a finding of guilt by the Code of Conduct Committee.

VII. PROCEDURES FOR YOUTH UNDER THE SUPERVISION OF COMMUNITY BASED SERVICES (CBS):

A. Testing:

Tests shall be administered by CBS staff who have received instruction/training in the use of the approved testing instrument(s). Specimen collection shall be witnessed by staff of the same gender as the youth. CBS staff shall take all safety precautions when administering drug tests, including wearing latex gloves. Used screening kits, specimen cups and gloves shall be placed in a sealed bag and disposed of properly.

B. Frequency:

All youth shall receive a drug screen within the first 30 days of being placed under YS supervision. Youth in YS custody who are placed in a non-secure facility are subject to drug screens as stated in the Standard Operating Procedures for Contract Providers, Section 5.5.

Additional screenings shall be administered:

1. As ordered by the court;
2. When there is reasonable suspicion a youth is using;
3. When a youth is found in possession of illegal drugs; or
4. As dictated by the SAVRY.

Frequent screenings may occur if the youth's SAVRY Substance – Use Difficulties risk factor is rated "Moderate" or "High".

Youth assigned to Drug Court or enrolled in a similar program that conducts drug screens do not require additional screenings by the Probation and Parole Officer/Juvenile (PPO/J).

C. Results and Sanctions:

All incidents of positive test results shall be met with a treatment recommendation and/or an appropriate sanction, which may be a referral to an addictive disorder clinic or clinician for evaluation.

Negative test results should be reinforced with positive feedback.

D. Documentation:

Drug screens administered shall be documented in the youth's JETS record as a Case Narrative - Significant Event - Drug Screen - Positive or Drug Screen – Negative by the PPO/J.

VIII. STAFF DEVELOPMENT:

A. Secure Care

1. Documented training as recommended by the manufacturer of the testing devices to be used for CHP staff shall be available for review by YS.
2. Documented training for male JJS staff who may serve as witnesses to specimen collection shall be provided by the CHP and documented in TREC by the facility's Staff Development Training Specialist staff.

B. Community Based Services

Staff responsible for drug/alcohol testing and monitoring shall receive appropriate training on the use of the approved testing instrument and signs and symptoms of drug use on an annual basis. Training shall be documented in TREC by designated unit staff.

IX. QUALITY ASSURANCE:

- A. Pursuant to YS Policy No.C.5.5, the YS Health Services Director shall provide Continuous Quality Improvement Services (CQIS) with the CHP's Monthly Statistical Report by the 10th working day of the month, for the prior month's activity.
- B. A semi-annual report shall be compiled and presented by CQIS staff to Executive Staff and Facility Directors.

Previous Regulation/Policy Number: C.2.7

Previous Effective Date: 06/10/2014

Attachments/References:

Care Request for Drug Alcohol Test June2014.docx



C.2.7 (a) Secure



Testing Report June2014.docx

C.2.7 (b) Secure Care Youth Drug Alcohol