

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
491**

INMATE SUBSTANCE ABUSE TESTING

Supersedes: AR 491 (06/17/12) and AR 491 (Temporary, 03/04/15)
Effective Date: 05/19/15

AUTHORITY

NRS 209.131
NRS 453.411

RESPONSIBILITY

1. The Inspector General's designee is responsible:
 - A. To oversee the inmate substance abuse testing program;
 - B. To identify and report non-compliance with this administrative regulation;
 - C. To ensure that all required reports concerning the test results are submitted in a timely manner; and
 - D. To develop and disseminate protocols governing the appropriate collection, control, and chain of custody forms and procedures.
2. The Inmate Substance Testing Coordinators are responsible to ensure proper procedures are followed in the collecting, maintaining, and testing process of the day-to-day operations of this program.
3. All staff is responsible to have knowledge of, and comply with, this procedure.

491.01 INMATE DRUG, ALCOHOL, AND NICOTINE TESTING

1. All inmate substance abuse testing shall be completed in accordance with the provisions of this administrative regulation and associated protocols established by the Office of the Inspector General.
2. The Department has zero tolerance for unauthorized drug, alcohol, and tobacco use.
 - A. All inmates committed to the Department are subject to testing at any time.

B. Testing shall not be used as a tool to harass inmates.

C. Testing shall not be done on the basis of race, creed, color, national origin, sex, age, political affiliation, sexual orientation, and handicap or for any other discriminatory purpose.

3. The use of mandatory language in this administrative regulation is intended solely for the guidance of the employees of the Department.

A. Failure of an employee to follow any mandatory language shall not result in any compulsory outcome at any inmate disciplinary hearing, including, but not limited to:

(1) Types and severity of sanctions; or

(2) Dismissal of charges.

4. An inmate's refusal to test or provide a sample, or who provides an adulterated sample, will result in the initiation of disciplinary action.

491.02 INSTITUTION/FACILITY INMATE SUBSTANCE TESTING COORDINATOR

1. Each Warden and/or Facility Manager shall appoint a staff member as the Institutional/Facility Inmate Substance Testing Coordinator and a back up coordinator.

2. The Institutional/Facility Inmate Substance Testing Coordinator and the back up coordinator shall:

A. Receive training concerning the Inmate Substance Testing program pursuant to guidelines established in this regulation and the Office of the Inspector General protocols.

B. Ensure that testing procedures utilized at their institution/facility are consistent with the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

C. Ensure that staff members who are engaged in the collection of the test samples have been properly trained concerning the collection procedures pursuant to the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

(1) Any training conducted or received by the staff members will be forwarded to the Employee Development Division.

D. Ensure the collection procedure is performed under the direct supervision of a properly trained Staff Collector.

E. Ensure that the Staff Collector observes all appropriate documentation and chain of custody procedures.

F. Maintain all documentation regarding the Inmate Substance Testing program.

Each Institutional Inmate Substance Testing Coordinator **shall** notify each Warden of the results on a DOC Form 37, Drug and Alcohol Testing Program.

491.03 POSITIVE TEST RESULTS

1. In the event of a positive test result, the Institutional Inmate Substance Testing Coordinator shall consult with the institutional/facility medical staff to determine if there is any possible cross-reactivity with any prescribed medication the inmate may be taking.
2. Absent any justified medical explanation for a positive result, the Institutional Inmate Substance Testing Coordinator shall:
 - A. Ensure that a Notice of Charges form is prepared.
 - B. Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s).
3. Results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing will be reported to the Parole Commissioners.

491.04 ADULTERATED TEST RESULTS

1. In the event that a urine sample is determined by the vendor who tests the sample to have been adulterated, the inmate will be referred for disciplinary action.
2. The Institutional Inmate Substance Abuse Testing Coordinator shall:
 - A. Ensure that a Notice of Charges report is prepared.
 - B. Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s).

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure at each Institution/Facility.
2. This Administrative Regulation requires an audit.



Director

5/20/18
Date