

 <p>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</p>	<p>REFERENCES: 1-JDTP-3B-16, 17</p>
<p>CHAPTER: Day Treatment Services</p>	<p>AUTHORITY: KRS 15A.0652</p>
<p>SUBJECT: Drug Screening</p>	
<p>POLICY NUMBER: DJJ 1030</p>	
<p>TOTAL PAGES: 5</p>	
<p>EFFECTIVE DATE: 4/05/2019</p>	
<p>APPROVAL: Carey D. Cockerell , COMMISSIONER</p>	

I. POLICY

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

II. APPLICABILITY

The Department of Juvenile Justice (DJJ) may screen students in a DJJ operated day treatment program.

III. DEFINITIONS

Refer to Chapter 1000.

IV. PROCEDURES

- A. A drug screen may be administered to DJJ committed or probated students attending a DJJ operated day treatment program with the approval of the Superintendent or designee.
 1. Non-adjudicated students, court ordered to attend a day treatment program, may be subject to a drug screen.
 2. The student and parent or caregiver of a non-probated or non-committed student shall be required to sign for permission for drug screening, at the time of the student's placement into a day treatment program.
- B. Day treatment programs shall use onsite screening.
- C. A drug screening document shall be maintained at each DJJ onsite screening location. Each document entry shall specify the following:
 1. The student's name;
 2. Date of screening;
 3. Name of staff person administering the screening;
 4. Name of the witnessing staff, if applicable;

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5. Reason for the screening; and
 6. The screening results.
- D. Screening results may be used to:
1. Identify students who have recently used illicit drugs;
 2. Request further drug assessments;
 3. Notify the parent or caregiver of a student's drug involvement;
 4. Update the treatment plan for the student;
 5. Make a referral to an appropriate treatment agency;
 6. Hold students accountable and apply responses for drug usage;
 7. Reinforce continued sobriety and abstinence;
 8. Maintain a drug free facility;
 9. Support the modification of the conditions of probation or supervision for students in a day treatment program; and
 10. Support revocation procedures against students in a day treatment program.
- E. During the intake process staff shall provide the student and parent or caregiver, with documentation for signature that specifies that students are subject to drug screening 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; or
 - d. Sanctions by the court.
- F. Students 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 individual client record (ICR). Students 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. Students may be screened on the basis of a suspicion of use or because the student has been involved in a situation where activities have not been monitored by facility staff.
- I. Students 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 students with the drug screen notification documentation to read and sign. Staff shall provide assistance to students with literacy or language challenges; and
 - b. Staff shall inform students that failure or refusal to cooperate may result in a graduated response.
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 student's ICR and, if applicable, forwarded to contracted services as deemed appropriate.
3. Privacy during screening
- a. Staff shall keep the student under supervision throughout the screening process to ensure the integrity of the screen;
 - b. The student 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 shall include:
 - i. The student 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 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 student shall be present during any part of the procedure.
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 student being screened; and

- 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 students 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 student, 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.

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;
5. If the student 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 student disagrees with and does not acknowledge the positive results of the drug screen, student may be referred for external testing at their own expense.

M. Students screening positive for drugs may be subject to escalating responses, as determined by the treatment team.

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V. MONITORING MECHANISM

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