

**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Narcotic Identification, Inmate Urine and Alcohol Surveillance
and Testing Program**

Approved by	<i>William K. Marshall III</i> William K. Marshall III Director, Federal Bureau of Prisons
DPI	CPD
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Summary of Changes

<p><i>Program Statements Rescinded:</i></p> <ul style="list-style-type: none">▪ 6060.08 Urine Surveillance and Narcotic Identification (3/8/2001)▪ 6590.07 Alcohol Surveillance and Testing Program (12/31/1996)
<p><i>Changes:</i></p> <ul style="list-style-type: none">▪ Incorporates new Federal Regulation language and combines Program Statements Alcohol Surveillance and Testing Program and Urine Surveillance and Narcotic Identification.▪ Instructs that generated lists for screening and testing for alcohol are used in the same manner as drug testing.▪ Updates random drug tests percentages by mandating they be conducted at five percent for all security level institutions.▪ Allows institutions to now use any Department of Transportation (DOT) approved alcohol testing machine that meets policy guidelines.▪ Updates testing of inmates classified as prior act from being tested monthly for 24 months to 12 month at a minimum.▪ Excludes inmates with an assignment of disruptive group drop-out or inactive from the disruptive group-testing requirement.▪ Reclassifies this program statement under the 5000 series, Inmate and Custodial Management, with a new number 5514.01.

1. PURPOSE AND SCOPE

This program statement is intended to prescribe procedures for testing inmates confined by the Bureau of Prisons (Bureau) for the use of drugs and alcohol.

This program statement applies to all inmates housed in Bureau facilities, including pretrial and holdover inmates.

Information on urine surveillance of inmates designated to Residential Reentry Centers and other community-based programs can be found in the Program Statement **Community Corrections Manual**.

a. **Program Objectives.**

- The use of illegal drugs and alcohol by inmates be detected and deterred.
- Inmates live and work in a safe and orderly environment.
- The risk to the public is reduced when inmates are engaged in approved community activities.
- Staff have a safe work environment.

b. **Institution Supplement.** This program statement requires the development of an Institution Supplement detailing local procedures for the additional collection and breathalyzer testing of inmates.

2. **RESPONSIBILITIES**

Ordinarily, the Warden designates the Captain as the Inmate Drug and Alcohol Testing Coordinator for the institution. Only Bureau staff may perform drug test collection, alcohol testing, recording, mailing, and processing results in accordance with this program statement.

3. **GENERATING RANDOM DRUG AND ALCOHOL TEST SURVEILLANCE LISTS**

On the first business day of each month, a list of randomly selected inmate names is produced through the Random Population Selection Transaction of the applicable Bureau inmate management system and uploaded into the Bureau's approved intelligence computer database. The list is non-alphabetical and is used to select inmates for drug and alcohol testing.

The Inmate Drug and Alcohol Testing Coordinator is responsible for drug and alcohol test list security and storage. It is recommended a copy of the original random drug and alcohol test list be made as the list cannot be replicated by the applicable Bureau inmate management system if lost or destroyed.

Ordinarily, inmate names taken from the random drug and alcohol test list are issued to the staff responsible for testing at the beginning of the shift.

Procedures for collecting samples from the random group are developed locally in accordance with the following requirements:

- The random list is created sequentially. Notification and collection, however, may occur in any order. Inmates do not have to provide the sample in the order they were notified.
- The names of inmates no longer at the institution are skipped and not counted. Inmate's not readily available (e.g., medical trip, visiting) may also be skipped but should be tested after they return.
- An extension of the random list supplies additional names for testing to replace inmates who are not readily available. For example, if five percent of the population must be tested, a list containing at least seven percent should be produced.
- Replacement inmates are chosen sequentially from the remaining names on the random list to replace those unavailable for testing.
- Fairness and randomness are necessary in using the list. No listed inmates are excused if they are available to provide a test.
- Sample collection must not follow any pattern inmates can predict. Samples are taken at different hours of the day (e.g., early morning, noon, late evening). Collection is spread evenly, over each seven-day week, over the course of a month when practical.
- All random, saturation, suspect, prior act, community activities, disruptive groups' drug and alcohol testing of inmates must be complete prior to the production of the next selection lists.

4. NARCOTIC (DRUG) TEST SURVEILLANCE

§ 550.30 Purpose and scope.

The Warden shall establish programs of urine testing for drug use, to monitor specific groups or individual inmates who are considered as high risk for drug use, such as those involved in community activities, those with a history of drug use, and those inmates specifically suspected of drug use. Testing shall be performed with frequency determined by the Warden on at least 50 percent of those inmates who are involved in community activities. In addition, staff shall randomly sample each institution's inmate population during each month to test for drug use.

Drug test surveillance is applied to inmates in the following categories:

- a. **Random.** Five percent of each institution's total inmate population must be tested randomly monthly. Institutions with satellite camps will add the satellite camp inmate population to the main facility inmate population and randomly test the combined inmate population.
- b. **Community Activities.** At least 50 percent of inmates involved in community activities (e.g., unescorted trips, furloughs, gate pass inmates) are tested.

For purposes of this program statement, inmates assigned to military base details are not considered involved in community activities.

c. **Disruptive Groups.** Every validated disruptive group member is tested once each month. The testing of a disruptive group member conducted under any of the identified testing category except random test (community activities, prior act, suspect, or saturation) within the prescribed time frame can be used to meet the disruptive group member requirement. Multiple testing is not required but may be an option if the institution believes an additional test is required. Inmates with an assignment of disruptive group drop-out or inactive are excluded from the disruptive group testing requirement.

d. **Suspect.** Inmates identified as being involved in drug or alcohol-related activity through the intelligence gathering process (e.g., mail/phone monitoring, incident investigation, behavior, staff observation) are tested on an irregular basis within a three-month period, for a total of three tests. The justification for testing the inmate under the suspect category will be uploaded into the approved intelligence computer database. The justification is usually a memorandum which explains the reason the suspect test was conducted.

The testing of an inmate in the suspect testing category conducted under any other identified testing category (random, prior act, saturation, disruptive group) within the prescribed time frame will meet this requirement. For example, a disruptive group test administered during the prescribed time frame may be counted as the suspect test during the three-month period. Multiple testing is not required.

Inmates involved in an incident resulting in physical violence towards oneself or another person, or a workplace accident, etc., will be tested under the suspect category immediately upon staff becoming aware of the incident. A three-month period of testing is not required. The justification for not conducting the three-month period of testing must be uploaded into the Bureau's approved intelligence computer database.

e. **Saturation.** This type of testing is used to target a large group of inmates, a housing unit, work detail, etc.

f. **Prior Act.** Inmates found guilty by the Discipline Hearing Officer (DHO) of committing the following prohibited acts are tested monthly for 12 months at a minimum from the date the DHO made the finding a prohibited act occurred:

- Refusing to Provide a Drug or Alcohol Test Sample,
- Introduction of Alcohol/Drugs or Alcohol/Drug Paraphernalia,
- Use of Alcohol/Drugs or Related Paraphernalia, and/or
- Possession of Alcohol/Drugs or Related Paraphernalia.

Lists of prior act drugs and prior act alcohol will be generated monthly. Both lists will be generated and uploaded into the intelligence computer database no later than the first business

day of each month. All prior act drug and alcohol testing of inmates must be complete before the creation of the next prior act lists.

A test conducted under any identified testing category, except random, within the prescribed time frame will meet this requirement. For example, a suspect test administered during the prescribed time frame can be counted as the prior act test. Multiple testing is not required.

After testing for 12 consecutive months, with no additional disciplinary actions taken for drug or alcohol related offenses, the inmate may be removed from the prior act list. However, sanctions for violation of the above listed prohibited acts while on the prior act list requires the inmate must remain on the prior act list for an additional 12 months from the date the DHO made the finding the prohibited act occurred. The Warden may require testing for a longer period based on the security needs of the institution.

g. **Federal Motor Carrier Safety Administration (FMCSA).** Inmates assigned to drive a vehicle requiring a commercial driver's license are tested once each month, in accordance with FMCSA guidelines. This testing does not exclude inmate drivers from other drug surveillance testing. See the Program Statement **Drug and Alcohol Testing of Employees – Drug Free Workplace and Commercial Driver's Licenses** for additional information.

5. DRUG TESTING PROCEDURES

§ 550.31 Procedures.

(a) Staff of the same sex as the inmate tested shall directly supervise the giving of the urine sample. If an inmate is unwilling to provide a urine sample within two hours of a request for it, staff ordinarily shall file an incident report. No waiting period or extra time need be allowed for an inmate who directly and specifically refuses to provide a urine sample. To eliminate the possibility of diluted or adulterated samples, staff shall keep the inmate under direct visual supervision during this two-hour period, or until a complete sample is furnished. To assist the inmate in giving the sample, staff shall offer the inmate eight ounces of water at the beginning of the two-hour time period. An inmate is presumed to be unwilling if the inmate fails to provide a urine sample within the allotted time period. An inmate may rebut this presumption during the disciplinary process.

(b) Institution staff shall determine whether a justifiable reason exists, (e.g., use of prescribed medication) for any positive urine test result. If the inmate's urine test shows a positive test result for the presence of drugs which cannot be justified, staff shall file an incident report.

An inmate testing positive for prohibited drugs is subject to disciplinary action under 28 CFR part 541 and the Program Statement **Inmate Discipline Program**. All test results for drug testing will be entered into the approved Bureau intelligence computer database.

Ordinarily, an inmate is expected to provide a urine sample within two hours of the request, but the Captain (or Lieutenant) may extend the time if warranted (e.g., the inmate has a documented medical or psychological issue or is participating in an approved religious fast).

Upon request to provide a urine sample for drug testing, the inmate will be offered eight ounces of fluids and thereafter, every 30 minutes until the inmate provides a sufficient amount of a urine sample. If the testing time is approved for an extension, the total fluids ingested must not exceed 40 ounces. All drug tests must be conducted under direct staff supervision.

a. **Refusal to Test.** An inmate refusing a drug test is subject to disciplinary action. Staff must document the circumstances of the inmate's refusal to test. Refusal to test can be demonstrated verbally or by actions. An inmate can demonstrate refusal to test by:

- stating they will not take the test,
- failing to appear for a drug or alcohol test,
- failing to remain at the collections site until the collection process is complete,
- being presumed to be unwilling if they fail to provide a urine sample within the allotted time,
- failing to permit the observation or monitoring of a provision of specimen,
- failing to provide a sufficient amount of a specimen when directed,
- failing to cooperate with any part of the testing process,
- failing to follow the observer's instructions,
- bringing materials to the collection site for the purpose of adulterating, substituting, or diluting the specimen,
- attempting to adulterate, substitute, or dilute the specimen,
- possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, and/or
- admitting they adulterated or substituted the specimen.

Drug test sample amounts will be determined by manufacturers. A urine sample is considered to be the specimen cup filled to the mark indicated. Staff should refer to the urine collection procedures provided by the contracted laboratory. Retesting at the inmate's request is not permitted.

Drug tests which require confirmation must be sent to the laboratory established by national contract. The types of drugs screened and tested for, confirmation levels, and laboratory reporting will be established by the national contract.

An incident report for positive drug tests is forwarded in accordance with the Program Statement **Inmate Discipline Program** and uploaded, along with the laboratory confirmation of the positive tests, into the Bureau's approved intelligence computer database. Incident reports require laboratory confirmation and documentation from a Bureau pharmacist that the positive

test is not a result of legally prescribed medication before they are written. There is no requirement to maintain laboratory forms for negative tests.

6. NARCOTIC IDENTIFICATION DEVICES

Each Inmate Drug and Alcohol Testing Coordinator ensures the institution maintains a supply of nationally approved narcotic detection devices (e.g., ion spectrometry devices, narcotic identification kits, or equivalent technology) to determine the identity of unknown substances.

Lieutenants and all full-time Special Investigative Services staff must be proficient in using the narcotic detection devices and are ordinarily responsible for testing unknown substances. Staff assigned to test unknown substances must complete online training for use of the field presumptive test kit. This training is provided and documented by the Employee Development Office. Additional information on evidence collection, properly handling evidence, and evidence preservation and storage is detailed in the Program Statement **Crime Scene Management and Evidence Control**.

While identification of such substances may be useful for various purposes, it is often particularly important in investigating incident reports and may be important in referring incidents to the Federal Bureau of Investigation.

Refer to the Program Statements **Correctional Services Manual** and **Crime Scene Management and Evidence Control** for further information.

7. ALCOHOL TESTING AND SCREENING

§ 550.10 Purpose and scope.

The Bureau of Prisons maintains a surveillance program in order to deter and to detect the illegal introduction or use of alcohol in its institutions. In an effort to reduce the introduction or use of alcohol, the Warden shall establish procedures for monitoring and testing individual inmates or groups of inmates who are known or suspected to be users of alcohol, or who are considered high risks based on behavior observed or on information received by staff.

(a) Staff may prepare a disciplinary report on an inmate who shows a positive substantiated test result for alcohol.

(b) Staff may initiate disciplinary action against an inmate who refuses to submit to an alcohol test.

An inmate testing positive for alcohol is subject to disciplinary action in accordance with 28 CFR part 541 and the Program Statement **Inmate Discipline Program**.

Alcohol testing list production, screening, and testing will be conducted in the same manner as drug testing. In addition to the produced generated random inmate list for testing, each institution must draft procedures and conduct additional random alcohol tests on inmates each month. Each Warden determines the appropriate level of monitoring and testing to ensure adequate control of alcohol and ensures monitoring and testing procedures are created for additional alcohol testing at each facility.

Inmates assigned to drive a vehicle requiring a commercial driver's license will be alcohol tested under FMCSA guidelines. This testing does not exclude inmate drivers from other alcohol surveillance testing. For additional information refer to the Program Statement **Drug and Alcohol Testing of Employees – Drug Free Workplace and Commercial Driver's Licenses**.

8. ALCOHOL TESTING PROCEDURES

Alcohol testing is completed using the following procedures:

- Staff ensure the inmate being tested does not eat or drink during the testing process.
- A reading of .02 or higher on a DOT-approved evidentiary device is considered positive.
- If the initial test is positive, a second confirmation test is administered at least 15 minutes after but no more than 30 minutes from the first test.
- If the confirmation test registers .02 or higher, an incident report is prepared.

A refusal to test may be verbal, written, or by action or inaction. The staff writing the incident report must clearly document the statements or actions that indicated a refusal.

Incident reports pertaining to positive alcohol tests are forwarded in accordance with the Program Statement **Inmate Discipline Program** and uploaded into the Bureau's approved intelligence computer database. All alcohol screening and testing must be logged into the Bureau's approved intelligence computer database.

a. **Testing Suspect Liquids.** Liquids suspected of containing alcohol are tested using either a certified alcohol screening device capable of indicating a positive reading for alcohol or a certified alcohol evidentiary device producing a numeric reading, following procedures outlined in the company's brochure and instructions. Liquids with a positive reading on a screening device, or .02 or higher on an evidentiary device, are considered positive for alcohol.

9. ALCOHOL SCREENING AND TESTING EQUIPMENT

Certified alcohol screening devices may be used to screen an individual inmate or large numbers but may not be used as confirmation evidentiary tests. Only DOT-certified evidentiary breath measurement devices producing a numeric reading, are used for confirmation testing.

DOT-approved alcohol screening devices, or evidentiary breath measurement devices that produce a numeric reading, are used to conduct the first test and count towards the monthly tests required by policy.

Staff assigned to use the device will be familiar with its operation, as described in the product training guide and instructions.

Calibration checks are performed on testing equipment in accordance with the manufacturer's requirements or at least once monthly. Each calibration is documented in the Bureau approved intelligence computer database.

REFERENCES

Program Statements

Drug and Alcohol Testing of Employees – Drug Free Workplace and Commercial Driver’s Licenses

Inmate Discipline Program

Correctional Services Manual

Crime Scene Management and Evidence Control

Community Corrections Manual

Federal Regulations

28 C.F.R. part 541

28 C.F.R. § 550.10

28 C.F.R. §§ 550.30–31

Other References

Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Mandatory Guidelines for Federal Workplace Drug Testing Programs

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-5E-11, 5-ACI-6A-23

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-5A-04

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau’s intranet site.