

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 308.06

EFFECTIVE DATE: 15 December 2021

SUBJECT: ALCOHOL ABUSE TESTING

POLICY DIRECTIVE

PURPOSE:

To maintain a “zero” tolerance for the use of alcoholic beverages by offenders and provide testing guidelines in order to assist in the control of alcohol abuse by offenders

REFERENCE:

None.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 308.06, dated 01 June 2013.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for offender review.

DEFINITIONS:

Evidential Breath Testing Device (EBT): A device that measures the alcohol level of a person through his/her breath. The concentration of alcohol in the breath is related to the concentration of alcohol in the blood so it is possible to calculate the alcohol levels through the use of this device.

Offender: For the purposes of this Policy, anyone committed to the custody or supervision of the Division of Corrections and Rehabilitation as an adult inmate, young adult inmate, juvenile resident or anyone supervised by Parole Services.

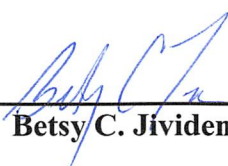
POLICY:

- I. The Division of Corrections and Rehabilitation (DCR) has a “zero” tolerance for the use and/or possession of any type of alcoholic beverages by offenders.
- II. All offenders are subject to testing, at the direction of any employee, for the use of alcoholic beverages. Each offender is hereby notified that they may have to provide more than one (1) breath sample monthly for testing.
 - A. Each Superintendent and Parole Services Regional Director shall determine the appropriate level of alcohol testing to ensure adequate control of alcoholic beverages. Among the factors that should be considered are:
 1. Security level of the facility.
 2. Opportunity for offenders to acquire alcoholic beverages through community contacts.
 3. Specific work areas where the ingredients for making alcoholic beverages are located.
 4. Offenders who have a history of alcohol abuse.
 - B. Any adult offender who has been found by the Correctional Hearing Officer to have committed the violation(s) of Trafficking, Use and Possession of Drugs and Intoxicants/Paraphernalia or Refusing Drug/Alcohol Screening may be tested monthly for the following twelve (12) months on a day randomly selected by the Chief of Security/Chief Correctional Officer or Parole Officer.
 - C. All adult offenders who are being released to parole supervision shall be alcohol tested as a part of the out-processing procedure before leaving the facility.
 1. If the initial alcohol test is negative, out-processing will continue.
 2. If the initial alcohol test and the confirmation alcohol test are positive, the offender shall be held in custody and issued a Disciplinary Incident Report, and the disciplinary process will be followed.
 3. **Offenders being release to Mandatory Post-Release Supervision with positive test results will still be released upon reaching their calculated Minimum Discharge Date (MDD).**

- III. Alcohol abuse testing will be conducted using an evidential breath testing (EBT) device and procedures approved by the Director of Security Services.
- A. EBT devices are approved for all supervision situations, including cross-gender supervision.
 - B. The DCR uses a two (2) step alcohol testing program for offenders and suspect liquids using EBT devices.
 - 1. **Step 1/ Initial Alcohol Testing:** Testing with a DCR designated EBT device. If the test is negative, no further action is required. If the test is positive, the employee proceeds to Step 2.
 - 2. **Step 2/Confirmation Alcohol Testing:** The administration of a second alcohol test with a DCR designated EBT device conducted fifteen (15) minutes after the Initial Alcohol Test to confirm the presence of alcohol as measured by the Initial Alcohol Test. The confirmation test result shall be the result of record. A reading of **0.01** or higher shall be considered positive.
 - C. When confirmation testing is positive, the administering employee will initiate the appropriate disciplinary process. Additionally, an offender shall be charged with a rule violation for refusing to participate by word or action in the alcohol testing process as instructed; tampering with any testing process or failing to produce a breath sample sufficient for testing immediately upon being ordered to do so. Punishments or sanctions will be imposed, as specified and in accordance with applicable discipline policies or parole procedures.
- IV. If an offender makes a voluntary admission that he/she has been using alcoholic beverages by signing and dating the Voluntary Admission Form, as established in DCR Policy Directive 308.03, then initial and confirmation alcohol testing will not be conducted. The employee receiving the voluntary admission shall sign and date the form as a witness. In such cases, the signed, dated Voluntary Admission Form shall carry the same evidentiary weight as a confirmed test result.
- V. Personnel who are involved in the initial and confirmation alcohol testing of offenders will receive training approved by the Assistant Commissioner of the Bureau of Training and Staff Development (BTSD).

ATTACHMENT(S): None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

12-1-21
Date