

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUBJECT: DRUG AND ALCOHOL TESTING ADMINISTRATIVE GUIDELINES

AUTHORITY: TEXAS GOVERNMENT CODE ANN. § 508.184; TEXAS HEALTH & SAFETY CODE § 481.133

PURPOSE: To define the drug and alcohol selection and testing program, to include the frequency, safety precautions, and parole officer, unit supervisor, parole supervisor, and district parole office (DPO) drug testing coordinator responsibilities. All drug tests are performed solely for the purpose of determining client compliance with the terms of supervision and not for the purpose of assessing the health of the client or for the diagnosis, prevention, or treatment of any disease or impairment of the client.

I. GOALS

- A. To establish an illicit substance testing program for clients under the jurisdiction of the Texas Department of Criminal Justice Parole Division (TDCJ-PD).
- B. To ensure compliance with the client supervision conditions and/or sanctions, while holding clients accountable, increasing public safety, and reducing recidivism.
- C. To ensure non-discrimination in testing, a zero tolerance policy, and interventions as a result of use.

II. SELECTION CRITERIA

Clients shall be selected for drug and alcohol testing through a random and/or targeted selection process.

A. Random Selection

- 1. All clients (excluding early releasees from supervision) are subject to testing for the presence of illicit substances by a parole officer, designee, or contracted vendor of TDCJ-PD.

2. Clients shall be selected for random testing from a list that is generated by the Information Technology Division (ITD). Lists are scheduled to be available the first (1st) business day of each month. The reports will represent a percentage of the total active caseloads per DPO to be tested monthly.
3. Upon availability of the generated report, parole officers shall access the list of clients to be tested and have the duration of the month to test clients identified on the report. Testing may be conducted at scheduled office visits; however, if the client is contacted prior to or after the scheduled visit to report for testing, the client shall have 24 hours (or the next business day) upon contact to report to the DPO or designated satellite office, as applicable, to submit a urinalysis (UA).
4. All positive UA results are addressed in accordance with guidelines identified in this policy, as well as PD/POP-3.8.25, *Substance Abuse Counseling Program Administrative Guidelines*, and PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.
5. If a client fails to report for a random UA as instructed, the parole officer shall contact the client and instruct the client to report within one (1) business day. A case conference shall be conducted in addition to the UA. Failure to report shall be addressed in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release* to include:
 - a. Within three (3) business days, the parole officer shall update the Specimen Testing section in the Offender Information Management System (OIMS), identifying the reason the client was not tested within 24 hours of being contacted.
 - b. Notifying the parole supervisor or designee that the client was not randomly tested, including the reason.
6. Clients whose names appear on the monthly random list shall be tested in accordance with the above guidelines for random testing. Additionally, the parole officer may test the client as a targeted test, if the client meets the targeted selection requirements.
7. Random and targeted testing must be conducted separately and on different dates.

B. Targeted Selection

All clients (excluding early releasees from supervision) shall be tested by a parole officer or designee of the TDCJ-PD for the presence of illicit substances, according to the frequency guidelines listed in Section III.

III. FREQUENCY (TARGETED TESTING)

- A. Drug and alcohol testing shall be conducted in such a manner as to avoid setting patterns or routines that can be detected and manipulated by the client and shall meet the following standards:
 - 1. A drug and alcohol test shall be conducted at the initial office visit upon release from the Correctional Institutions Division (CID), Intermediate Sanction Facility (ISF), Substance Abuse Felony Punishment Facility (SAFPF), or county jail.
 - 2. A drug and/or alcohol test shall be conducted at least one (1) time per month when:
 - a. Clients are currently receiving Therapeutic Community (TC) Substance Abuse services (Phase I, I-B, Phase II, and Phase III).
 - b. Clients are currently receiving Substance Abuse Counseling Program (SACP) Level II services.
 - c. A special condition is imposed requiring specific UA/alcohol testing time frames.
 - d. The client's behavior or observable signs indicate drug and/or alcohol use.
 - e. The client had a positive UA/alcohol test the previous month.
- B. Annual and quarterly report clients shall be tested in accordance with PD/POP-3.2.30, *Quarterly Report Status, Annual Report Status and Early Release from Supervision*.

IV. SPECIMEN TESTING PROCEDURES

- A. Illicit substance testing may include, but is not limited to, cannabinoids (marijuana), opiates, amphetamines, cocaine and benzodiazepines. Alcohol testing shall be conducted based on special condition imposition, client history, and/or officer suspicion of alcohol use.
- B. Upon testing the client for illicit substances, the parole officer shall:
 - 1. Complete the Specimen Collection information in the OIMS.
 - 2. Complete and print the Offender Admission of Use and Drug Testing Log Screening/Assessment Referral form (PSVS-35) according to instructions.

3. Review this information with the client and obtain the client's signature on the form.
 - a. If the client signs the PSVS-35 form admitting drug or alcohol use and the parole officer intends to pursue the revocation process, specimen collection shall continue, to include confirmation testing. The parole officer shall adhere to PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*, as well as PD/POP-3.8.25, *Substance Abuse Counseling Program Administrative Guidelines*, or PD/POP-3.8.1, *Therapeutic Community (TC) Caseload – Administrative and Supervision Guidelines*.
 - b. If the client signs the PSVS-35 form admitting use (random or targeted) and the parole officer does not intend to pursue the revocation process, specimen collection is optional. If testing will not occur the parole officer must enter "Admitted" for the "Reason not collected" in the Specimen Collection screen and update the admission information under "Tests requested", un-checking the illicit substances not admitted to, prior to submission. The parole officer shall impose interventions and adhere to Section VII.A.4 of this policy, PD/POP-3.8.25, *Substance Abuse Counseling Program Administrative Guidelines*, or PD/POP-3.8.1, *Therapeutic Community (TC) Caseload – Administrative and Supervision Guidelines* for appropriate action.
4. Enter the client's admission in the Tests Requested portion of the Specimen Collection section in the OIMS and enter the drug test results in the Tests Requested portion of the Specimen Testing/confirmation section in the OIMS. A comment should be entered anytime a client admits drug or alcohol use.
5. Sign and date the PSVS-35 form as a witness.

C. Prescription and Over the Counter (OTC) Medication

1. Prior to conducting the drug test, the parole officer shall ask the client if he is taking any prescribed or over the counter medication(s). It is the client's responsibility to provide the parole officer with medical documentation of any medication prescribed.
2. The parole officer may consult with the drug testing coordinator, as defined in IX.A of this policy, or the vendor service representative on whether medication taken by the client could produce a false positive result for the illicit substance(s) tested. If the coordinator or vendor representative indicates the prescription or OTC medication would produce positive test results, the parole officer shall indicate cross-reactivity in both the OIMS and on the PSVS-35 form.

3. The parole officer shall have the client sign a confidentiality release (Consent for the Release of Substance Abuse Treatment Information and Records – Criminal Justice System form [01.06 A, Open Record Act Manual]), in order for Parole Division staff to communicate with the client’s physician concerning medications prescribed.

The parole officer shall update the OIMS Medical Screen with the client’s verified prescribed medications within three (3) business days.

4. The parole officer, if positive results consistently occur, shall submit a positive sample for Gas Chromatography/Mass Spectrometry (GC/MS) confirmation testing in order to verify cross-reactivity or possible illicit drug use and document findings in the OIMS Drug Test screen upon receipt, within three (3) business days.
- D. The parole officer shall sign a UA cup sign-out sheet, implemented for each DPO, for the specimen cup prior to removing the testing device from the DPO drug testing supply area. UA cups shall only be signed out for tests being conducted immediately. UA cups shall not be signed out in bulk unless authorized by the parole supervisor for use at satellite offices, Residential Reentry Centers, etc.
- E. The parole officer shall follow and complete the testing procedure according to the test manufacturer’s instructions.
1. The parole officer shall label the specimen container, not the top, with the client’s name and state identification (SID) number before collection.
 2. The parole officer shall escort or arrange an escort for the client to the appropriate restroom under direct and continuous observation.
 3. The client shall be instructed to remove any jacket and roll up any long sleeves to the elbow.
 4. The client shall be instructed to wash his hands prior to collection.
 5. The client shall place primary and secondary clothing on lower extremities to the floor.
 6. The client will not be handed the specimen cup until he is ready to provide a sample.
 7. Parole officers or supervisory staff shall clearly view the urine entering the specimen container. If members of the same sex are not available to observe the client providing a urine specimen, the parole officer shall:
 - a. Ensure that no other person is in the restroom at the same time as the client.

- b. Instruct the client to remove any jackets, hats, bulky clothing, etc., and leave the items outside of the restroom.
- c. Observe the client washing his hands.
- d. Shall visually inspect the sample for color and appearance, and read the thermometer strip on the specimen cup to ensure the temperature of the urine specimen is at least 90 °F and not more than 100 °F, when the urine specimen is received from the client. The parole officer shall document the information on the PSVS-35. If the temperature criteria are not met, the client shall be instructed to provide another urine sample. If the client fails to provide an additional sample, the parole officer shall take appropriate action per PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

F. Rejection of Specimen

- 1. The parole officer, designee, or confirmation testing vendor may reject a urine sample for the following reasons:
 - a. The thermometer strip indicates that the temperature of the urine specimen is less than 90 °F or more than 100 °F.
 - b. Upon visible inspection, the specimen appears to have been altered (e.g., diluted, viscous, etc.).
 - c. There is a presence of blood.
- 2. Upon becoming aware that the client is in possession of or used a substance or device that is designed to falsify drug test results, the parole officer shall:
 - a. Notify a supervisor immediately.
 - b. Contact law enforcement to notify them of a client's possession or use of a substance or device designed to falsify drug test results (Texas Health and Safety Code § 481.133 Offense: Falsification of Drug Test Results).
 - c. Take action as indicated in Section VII.A.1–4.
 - d. Take action per PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.
- 3. The parole officer shall update the information in the Specimen Testing section in the OIMS within three (3) business days indicating the client attempted to falsify the UA test result.
- 4. The parole officer shall require an additional sample from the client, if the client remains available.

5. The inability or refusal by the client to provide a urine sample will be addressed as a violation of the statutorily mandated condition requiring all clients to submit to testing for alcohol or controlled substances. The parole officer shall take action as outlined in Section VII.A. The client shall be informed of this upon his inability or refusal to produce a urine sample.
 - a. The parole officer shall allow the client adequate time (2 hours) to submit a urine sample.
 - b. The client may not leave the premises while waiting to undergo the drug test. If the client leaves the premises, this shall be considered a refusal to submit to a required UA.

- G. When testing is completed, the parole officer shall observe the test results with the client and update the Specimen Testing section in the OIMS within three (3) business days after client contact or within three (3) business days after return to designated headquarters from contact made in the field per PD/POP-3.2.8, *Contact Standards for Regular Supervision Cases* (Section I.A.11). The PSVS-35 form shall be scanned into the OIMS or sent to the Central File Coordination (CFCU), File Material Request Desk, to be scanned into the OIMS.
 1. If the UA result is positive and the client subsequently admits to the use of an illicit substance, the parole officer shall:
 - a. Obtain a signed admission of use on the PSVS-35 form;
 - b. Prepare the specimen for confirmation testing following the vendor's shipping procedures, if a pre-revocation warrant or summons is being pursued; or
 - c. Complete page 2 of the PSVS-35, identifying the client's admission of use as the reason for referral and the referral type (Section VII.B), if a treatment referral is pursued; however, confirmation testing is not required.
 2. If the result is positive and the client does not admit to illicit substance use, the parole officer shall prepare the specimen for confirmation testing following the vendor's shipping procedures.

- H. The following procedures shall be utilized in discarding urine samples not being sent for confirmation testing:
 1. The client shall deposit the contents of the specimen container into the toilet. This shall be accomplished by pouring the contents out slowly from a level of not more than six (6) inches above the water level in the toilet to prevent or minimize splashes.

2. The client shall recap the empty container and deposit it in the DPO trash receptacle designated for the collection of used testing supplies. For clients tested off-site, the container shall be placed in a bio-hazard bag and returned to the DPO for appropriate disposal.
- I. All specimen test results recorded on the PSVS-35 form (whether positive or negative), in addition to the confirmation test results received from the legally certified laboratory, shall be scanned into the OIMS or sent to the Central File Coordination (CFCU), File Material Request Desk, to be scanned into the OIMS.
 - J. Upon closure of the DPO file (via death, discharge, or revocation), the PSVS-35 forms that have not met the retention period shall be:
 1. Scanned into the OIMS; or
 2. Sent to the CFCU, File Material Request Desk, in order to be scanned into the OIMS.

V. ALCOHOL TESTING PROCEDURES

- A. When an alcohol testing device is used, the parole officer shall sign the alcohol testing device sign-out sheet, implemented by each DPO, prior to taking the alcohol testing device from the DPO drug testing supply area.
- B. The parole officer shall put on latex gloves and administer the alcohol test per the test manufacturer's instructions.
- C. When testing is completed the parole officer shall:
 1. Interpret the test results in the presence of the client.
 2. Update the Specimen Testing section in the OIMS within three (3) business days after contact or within three (3) business days after return to designated headquarters from contact made in field per PD/POP-3.2.8, *Contact Standards for Regular Supervision Cases* (Section I.A.11).
 3. Discard the testing device in the same trash receptacle where used drug testing supplies are discarded.
 4. Scan the PSVS-35 form into the OIMS or send it to the CFCU, File Material Request Desk, to be scanned into the OIMS.
 5. Send the PSVS-35 forms that have not met the retention period and have not been scanned in the OIMS to the CFCU, File Material Request Desk, in order to be retained in the client's central file upon closure of the DPO file (via death, discharge, or revocation).

- D. Positive alcohol test results, where the pre-revocation process is being pursued, shall require a urine sample. If the client has not already provided a urine sample, the parole officer shall instruct the client to provide a urine sample in the cups provided by the vendor and follow confirmation testing procedures identified in Section VI.
- E. Positive alcohol test results, where the client does not admit to use and a referral to SACP programming is being pursued, shall require a urine sample. If one has not already been provided, the parole officer shall instruct the client to provide a urine sample in the cups provided by the vendor and follow confirmation testing procedures identified in Section VI.

Referral procedures in Section VII.C.1–4 shall be followed.

VI. CONFIRMATION TESTING PROCEDURES

- A. The client will not be required to pay for the TDCJ vendor confirmation testing.
- B. The parole officer shall prepare the specimen according to vendor specifications to include the required “Chain of Custody” paperwork supplied by the vendor.
- C. Urine specimens not sent to the confirmation lab immediately shall be secured in a room with restricted access and, if specimens are not sent to the confirmation lab within 48 hours, they shall be refrigerated. If a refrigerator is not available, the urine sample may be stored in an ice chest.
- D. Upon receipt of confirmation testing results from the lab, the parole officer or designee shall update the Drug Test screen in the OIMS within three (3) business days, identifying confirmation test results. All confirmation results shall be scanned into the OIMS or submitted to the attention of the CFCU, File Material Request Desk, for scanning. The confirmation test results shall also be reported on the DPO Monthly Drug and Alcohol Testing Report form (PSVS-34), identifying the number of specimens sent, number confirmed positive, number confirmed negative, and the number of tests not confirmed due to inability to test by the confirmation lab during the reporting month.
 - 1. If confirmation lab results confirm a sample as positive, the parole officer shall proceed with SACP or other appropriate treatment programming referral or the pre-revocation or summons request process.
 - 2. If confirmation lab results confirm a sample as negative, the parole officer may staff the case with his immediate supervisor for appropriate action. No referral to substance abuse treatment services shall occur.
 - 3. If the confirmation lab does not confirm results due to an inability to test the sample, the client shall be retested in accordance with Section III of this policy. No referral to substance abuse treatment services shall occur unless one (1) or more reasons are identified in Section VII.C.

VII. PAROLE OFFICER ACTION ON POSITIVE DRUG OR ALCOHOL TEST RESULTS

If a client tests positive or admits to the use of an illicit substance or alcohol, the parole officer shall:

- A. Take action per PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.
- B. Submit a transmittal requesting imposition of Special Condition "S" through the OIMS, if not previously imposed.

Refer to PD/POP-3.8.25, *Substance Abuse Counseling Program Administrative Guidelines*, or PD/POP-3.8.1, *Therapeutic Community (TC) Caseload – Administrative and Supervision Guidelines*, for appropriate action.

- C. Complete page 2 of the PSVS-35 form, identifying the reason for referral and the referral type, as applicable. Reasons shall only include the following:
 - 1. Client's admission to using drug and/or alcohol within the last four (4) weeks.
 - 2. Client's agreement to be referred.
 - 3. Client's behavior and/or observable signs of drug/alcohol use.
 - 4. A positive drug confirmation test regarding the client is obtained from a legally certified and independent laboratory.
- D. Upon completion of page 2 of the PSVS-35 form, identifying the specific referral reason and referral type, the parole officer shall maintain the PSVS-35 form in the client file by scanning the document into the OIMS or by submitting it to the CFCU, File Material Request Desk, for scanning per Section IV.G and J, in addition to a mainframe referral request to the Huntsville Placement & Release Unit (HPRU) for referral and placement.

VIII. SAFETY

- A. All staff shall follow the **mandatory** safety procedures listed below:
 - 1. Wear latex or vinyl gloves when conducting UA or handling alcohol testing devices.
 - 2. Immediately wash hands or other affected areas with antibacterial soap and warm water after coming into contact with bodily fluids from the collection, transportation, and testing of urine specimens.

3. All DPOs shall have, in an easily accessible location, a clearly marked container of ten percent (10%) household bleach-to-water solution (1:10) to be used for cleaning, disinfecting, and decontaminating the drug testing work area and urine spills. The solution shall be poured or sprayed on the area to be cleaned and decontaminated, allowed to stand for at least ten (10) minutes to decontaminate, then rinsed with water and wiped (absorbed) with clean paper towels.
 4. TDCJ-PD staff shall not purchase laboratory or cleaning supplies from unauthorized sources because such supplies may contain hazardous material.
 5. No urine specimen shall be tested if blood is, or appears to be, visible in the urine specimen. Extreme caution shall be observed when disposing of the urine.
 6. Urine specimens stored overnight must be secured in a locked area or in an area with restricted access to the public and to clients.
 7. Urine specimens shall not be stored in the same refrigerator as food or beverages.
 8. It is preferred that testing be conducted in a restroom or area designated only for UA.
 9. The following procedures shall be used to dispose of expended drug testing supplies:
 - a. A trash receptacle, which has been double-lined with two (2) trash bags and labeled "For disposal of drug testing supplies" shall be available in all DPOs.
 - b. The contents of all urine specimen containers shall be deposited in accordance with Section IV.H.
 - c. The double trash bags shall be tied (sealed) and discarded daily by using the normal solid waste disposal process.
- B. Optional safety equipment (e.g., disposable surgical masks and eye protectors) is available for use by all staff at their discretion during drug testing activities such as collection, testing and/or transport of urine specimens. In addition, trays are available and their use during drug testing is recommended for controlling spills and leaks from urine containers.

IX. DRUG TESTING COORDINATOR, UNIT SUPERVISOR, AND PAROLE SUPERVISOR RESPONSIBILITIES AND PROCEDURES

- A. Each DPO shall have one (1) person designated by the Region Director or designee as a drug testing coordinator. The drug testing coordinator is responsible for the administration of the following:
1. Ordering, receiving, and maintaining drug and alcohol testing supplies.
 - a. When supplies are reduced to a 60-day inventory, the coordinator shall order a three (3) month inventory of supplies on the established order forms.
 - b. Ensure supplies are used before their expiration dates to prevent waste; therefore, the oldest inventory shall be stored in such a way that it will be used first.
 - c. If an order is not received within approximately three (3) weeks of the order date, the coordinator shall contact the region office and request tracking of the purchase requisition through the Huntsville, Texas, purchaser.
 - d. The coordinator shall verify new supply shipments correspond with the purchase order. If damages or shortages in the shipment are noticed, they shall be recorded on the packing slip and signed by the coordinator. All packing slips shall be submitted to the region office within five (5) business days after delivery of the shipment. The coordinator shall keep a copy of the packing slip with the corresponding order form.
 - e. Supplies shall be kept in a secured area during non-business hours and supplies requiring refrigeration shall be refrigerated as directed by the manufacturer.
 2. The drug testing coordinator shall inventory supplies on a monthly basis utilizing the sign-out sheets implemented by each DPO. The coordinator shall keep a supply of these forms in the area where drug and alcohol testing devices are stored. The coordinator shall:
 - a. Maintain the completed forms for completion of end of month inventory purposes.
 - b. Inventory all drug/alcohol testing devices monthly and document them on the DPO Monthly Drug and Alcohol Testing Inventory Tracking Log (PSVS-47). The PSVS-47 form shall be submitted to Specialized Programs via email or fax along with the required monthly PSVS-34 form by the fifth (5th) business day following the report month.

3. Consult the drug testing vendor and/or the Substance Abuse Program Specialist III, Specialized Programs, regarding prescription/non-prescription cross reactivity in order to provide accurate information regarding possible false positive test records.
 4. Maintain records/statistics reflecting drug and alcohol testing.
 - a. The coordinator shall collect and complete information identified on the PSVS-34 form and submit a copy, via email or fax to Specialized Programs by the fifth (5th) business day following the report month.
 - b. All records relating to the PSVS-34 form shall be placed with a copy of the corresponding monthly report and kept by the coordinator.
 - c. Copies of drug and alcohol testing supply order forms, supply invoices, and monthly statistics shall be kept for a minimum of three (3) years in each DPO.
- B. The Region Director or designee shall advise all DPO staff and the Substance Abuse Program Specialist III, Specialized Programs, within three (3) business days, when a drug testing coordinator assignment has changed.
- C. Unit supervisors shall monitor drug testing and safety procedures in their respective offices to ensure officer compliance with policy, provide immediate corrective action, and arrange training sessions to address any new or recurrent issues.
1. Unit supervisors shall monitor one drug test conducted by each officer under their supervision and complete the Quarterly Urinalysis Monitoring Checklist (PSVS-48) each fiscal quarter. The purpose of the PSVS-48 form is to provide clarification on how each unit supervisor is to monitor parole officers' compliance with policy regarding drug and alcohol testing.
 - a. Unit supervisors shall coordinate with other management staff to ensure that urinalyses are monitored by a supervisor of the same sex.
 - b. If a supervisor of the same sex is not available, the supervisor shall observe all portions of the UA, except portions that occur in the restroom. Notation shall be made on the PSVS-48 of the deviation.
 2. Unit supervisors shall submit the completed PSVS-48 for each officer under their supervision to the parole supervisor by the third (3rd) business day following the last day of the fiscal quarter.
 - a. Should an officer be unavailable for monitoring during the quarter, a PSVS-48 form should be completed and the inability to monitor the test noted in the Comments section.

- b. Officers working at satellite offices are not exempt from the monitoring requirement.
 3. In addition to conducting initial staff training, unit supervisors shall conduct quarterly unit trainings to advise officers of any policy or procedural changes and refresh officers in proper protocol for drug and alcohol testing.
- D. Parole supervisors or designees shall complete one Quarterly Urinalysis Monitoring Report (PSVS-49) for each district parole office they supervise and submit the report by fax or email to the Program Specialist III, Specialized Programs, no later than the fifth (5th) business day of the month following the end of the fiscal quarter.
 1. Parole supervisors shall ensure each officer is monitored on a quarterly basis, including all county officers.
 2. The parole supervisor shall ensure the accuracy and timely submission of the final report to Specialized Programs.

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