

PROCEDURE STATEMENT

Policy Area: Supervision

Issue: Drug Testing

Action/Guidance: Drug Testing Protocol and Administrative Sanctions

Context: CSOSA maintains a zero tolerance policy for substance abuse by offenders. Drug testing is conducted on all offenders placed on supervision by the Courts and the U.S. Parole Commission to identify those who are abusing substances, and to allow for appropriate sanctions and/or treatment interventions. Studies show that among offenders, high rates of drug use are associated with high rates of criminal activity. Conversely, during periods of relative abstinence, criminal activity tends to decline. Legal pressure or coercion can be effective in enhancing abstinence and improving treatment outcomes. Drug testing serves as both the pressure mechanism and the metric to assess these outcomes. In sum, drug testing is necessary to monitor offenders' compliance with their conditions of parole and/or probation, ensure the successful rehabilitation of offenders, and reduce the risk to the community of further criminal conduct. Drug testing will be carried out consistent with the risk assessments.

I. Definition:

- **Substance Abuse Violation:** A drug test violation is understood to encompass the following—a positive urine sample; failure to report for drug testing; and submission of a bogus sample.

II. Procedure:

A. Initial Drug Test Screening and Preliminary Assessment

All offenders shall be referred to the drug-testing collection site at 300 Indiana Avenue, NW or other designated site at the time of intake or initial release to parole or probation for a drug test. All CSOs shall question offenders regarding their drug and alcohol use history and desire for treatment during the first contact. If an offender initially tests positive for illicit drug use, admits to recent use, or expresses a desire for treatment, the CSO will refer the offender to the Central Intervention Team ("CIT") or its designee for a substance abuse evaluation and subsequent procedures to review all treatment options available to the offender. CIT staff will advise the CSO of the offender's recommended treatment placement and discuss his/her supervision conditions with the CSO.

B. Testing Schedules:

1. Drug Testing Schedule¹

All offenders are required to report for drug testing at the point of intake.

Initially, all offenders shall be placed on a twice a week drug testing schedule for eight weeks. After 16 consecutive negative tests (without any substance abuse violations), the testing will be reduced to once a week for twelve weeks. After 12 consecutive negative tests (without any substance abuse violations), testing will be administered once a month for the remainder of the supervision period. Offenders who test positive in a reduced drug testing schedule

¹ The drug testing schedules contained in this procedure shall be overridden in the event of a USPC or court order specifying a different collection schedule.

will be moved back to the twice per week schedule until they demonstrate 8 consecutive negative drug tests (without any substance abuse violations). Once this threshold is reached, the offender will be moved to the next lower drug test schedule (once a week). The following chart illustrates the CSOSA drug-testing schedule.

COLLECTIONS SCHEDULE #1 (twice per week)

The CSO will list the days of the week for testing on the Referral for Drug/Alcohol Testing/Treatment Form or ISCU will assign days Mon./Wed. ___ Tues./Thurs. _____ Mon./Fri. _____ Wed./Fri.

This schedule remains in effect until the offender has submitted 16 consecutive negative tests or 8 consecutive negative tests if moved from a lower to a higher testing schedule.

COLLECTIONS SCHEDULE #2 (once per week)

The CSO will list the day of the week for testing on the Referral for Drug/Alcohol Testing/Treatment Referral Form or ISCU will assign a day.

This schedule remains in effect until the offender has submitted 12 consecutive negative tests.

COLLECTIONS SCHEDULE #3 (once month)

The CSO will list the date to be tested on the Referral for Drug/Alcohol Testing/Treatment Form or ISCU will assign a date.

This schedule remains in effect for the remainder of the supervision period so long as the offender does not commit a substance abuse violation violation.

It should be noted that ISCU is closed daily from 1:00 –2:00 p.m. In addition, due to the anticipated increase in testing volume, ISCU may coordinate testing times with the various supervision teams.

2. Notification of Test Results

Drug test results shall be made available to CSOs, via computer, immediately upon completion of lab analysis and no later than 24 hours after the sample's submission to the lab. CSO's must check DTMS printouts or the DTMS system with twenty-four hours of the offender's test.

3. Spot Testing

CSOs may also refer an offender for a “spot test” at any time regardless of the offender’s current collection schedule. A spot test may be based on information supplied by law enforcement officials or other third parties regarding recent substance abuse by the offender. In addition, the CSO may refer the offender for a spot test based on firsthand encounters between the CSO, CSO team member, CSO supervisor and the offender where evidence of substance abuse is present or **at any time** pursuant to the CSO’s discretion.

C. Response to Positive Drug Tests

1. CSOs shall treat a positive drug test as a substance abuse violation and respond in accordance with the following administrative sanctions schedule:

Administrative Sanctions Schedule

Sanction Level					
		Level I	Level II	Level III	Level IV
Risk Level (Criminality)	Intensive/ Maximum	<ul style="list-style-type: none"> • Daily Check-in with Supervision for 5 working days, and • If drug-testing violation, increase drug testing to 2x/wk and CIT Assessment 	<ul style="list-style-type: none"> • Attend Daily Sanctions Group for Two Weeks 	<ul style="list-style-type: none"> • 7 Days Residential Sanctions Facility, and • Continued stay at Residential Sanctions Facility for up to 30, 60, or 90 days; and/or • Return to community under electronic monitoring (30 to 45 days) or placement in inpatient treatment if warranted by substance abuse assessment 	<ul style="list-style-type: none"> • 14 Days Residential Sanctions Facility, and • Continued stay at Residential Sanctions Facility for up to 30, 60, or 90 days; and/or • Return to community under electronic monitoring (30 to 45 days) or placement in inpatient treatment if warranted by substance abuse assessment
	Medium	<ul style="list-style-type: none"> • CSO reprimand, and • If drug-testing violation, increase drug testing to 2x/wk and CIT Assessment 	<ul style="list-style-type: none"> • Attend Daily Sanctions Group for Two Weeks, and • Increase Supervision Level to Maximum (Next violation, Max/Int. – Level III Sanction) 		
	Minimum	<ul style="list-style-type: none"> • CSO reprimand, and • Increase Supervision Level to Medium (Next violation, Medium – Level II Sanction), and • If drug-testing violation, increase drug testing to 2x/wk and CIT Assessment 			

Note: Individualized treatment interventions will be provided as needed throughout the graduated sanctions continuum.

After 90 days of compliance, the offender returns to level one of the sanctions matrix per his/her risk level. If the offender's risk level had increased due to a previous sanction, the CSO may submit a request to his/her Supervisory Community Supervision Officer to consider lowering the offender to his/her previous level.

2. In the event of a positive test result, the CSO will schedule an immediate face-to-face contact with the offender, place the offender in collections schedule #1 if not already occurring, and refer the offender immediately to CIT or its designee for an assessment and subsequent treatment placement.
3. **(Probationers only)** If a probationer has 90 days or less remaining on his/her supervision term and CIT determines that the probationer requires a treatment placement in excess of the supervision period, the CSO shall petition the sentencing judge to extend the supervision period to include the recommended treatment term.

III. Statutory Authority: Section 11232(b)(2) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. Law 105-33, 111 Stat. 712, D.C. Code §§ 24-1231 *et seq.* (1996 Repl., 1999 Supp.) (Trustee's authority); D.C. Code § 24-103 (1996 Repl.) (Probation's authority); D.C. Code § 24-201.2(a)(3) and 28 D.C.M.R. §§ 213.4 – 2.13.6 (1987) (Parole's authority).

III. Procedural References/Supercedures:

References: Central Intervention Team Policy.

- Superceded: Parole Supervision Manual, Section H, "Urine Testing Procedures," pp. 51-53.