



POLICY STATEMENT

Policy Statement 4005

Policy Area: Supervision

Effective Date: **NOV 8 2016**

Approved: *Paul A. Quander, Jr.*
Paul A. Quander, Jr., Director

OFFENDER DRUG TESTING PROTOCOL

I. COVERAGE

This Policy Statement establishes procedures for Court Services and Offender Supervision Agency for the District of Columbia's (CSOSA or Agency) Community Supervision Services (CSS) staff involved in the administration of offender drug testing. CSOSA staff with specific responsibilities under this Program Statement include Community Supervision Officers (CSOs), the Central Intervention Team (CIT), intake staff, and Supervisory Community Supervision Officers (SCSOs).

II. BACKGROUND

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 a metric to assess these outcomes. Drug testing is necessary to monitor offenders' compliance with their conditions of release, to ensure the successful rehabilitation of offenders, and to reduce the risk to the community of further criminal conduct. Drug testing of each offender will be carried out consistent with risk assessments.

III. POLICY

Drug testing is conducted on all offenders placed on supervision by the Courts and the U.S. Parole Commission (USPC) to identify those who are abusing substances and to allow for appropriate sanctions and/or treatment interventions. All offenders under the active supervision of CSOSA shall test in accordance with the procedures of this Policy Statement.

IV. AUTHORITIES, SUPERSEDURES, REFERENCES, AND ATTACHMENTS

A. Authorities

Section 11233(b)(2)(B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. L. 105-33, § 11233, 111 Stat. 748; D.C. Official Code § 24-133(c) (2001 Edition).

B. Supersedures

Drug Testing Protocol and Administrative Sanctions (2/18/00) (and amended 8/23/00).

C. Procedural References

Policy Statement 4004, Accountability Contract
Operational Instruction, Interstate Transfer Supervision

D. Attachments

Appendix A. General Procedures

Appendix B. Definitions

Appendix C. Drug Testing Instructions

1. Offender Drug Testing Collection Schedule
2. Drug Testing Instructions
3. Accountability Contract
4. Schedule of Accountability Through Graduated Sanctions

Appendix D. Letters of Reprimand

1. First Positive Drug Test Reprimand
2. Second Positive Drug Test Reprimand
3. Third Positive Drug Test Reprimand

APPENDIX A GENERAL PROCEDURES

A. Initial Drug Test Screening and Preliminary Assessment

All offenders are to be referred to the drug-testing collection site at 300 Indiana Avenue, NW, or to another designated site, at the time of release to supervision for an initial drug test and photograph. The offender is referred to the initial drug test by Intake staff through the Agency's Supervision, Management and Automated Record Tracking (SMART) caseload information system.

The CSO shall review the offender's positive or noncompliant drug test results based on alerts received through SMART or email notification. If the result is positive, and/or if, at any time during supervision, the offender has a positive drug test result, admits to using drugs, and/or expresses a desire for treatment, the CSO shall follow the Agency's Guideline for Referring Substance Abusing Offenders to the CIT for Evaluation.

B. Drug Testing Schedules¹

The Offender Drug Testing Collection Schedule (see Appendix C) varies based on an offender's prior substance abuse history, level of supervision, and/or length of time to serve under supervision. All offenders placed on a drug testing schedule, are required to read (if they can) and sign the Agency's Drug Testing Instructions (see Appendix C). For offenders who cannot read, their situations should be addressed on a case-by-case basis. The CSOs will be guided to enable them to fully explain these instructions to offenders.

1. Offenders With No Indication of Substance Abuse

All offenders who submit a urine sample which tests negative during the initial test, and who do not have any history of substance abuse (as defined in Appendix B to this Policy Statement), will be tested once per week for eight weeks. After eight consecutive negative urine samples, the testing schedule will be reduced to once per month for three months. After three months of negative drug use², offenders shall be subject to spot drug testing at the discretion of the CSO or SCSO for the remainder of the offender's supervision period. However, offenders who test positive during any point of supervision will be moved back to the twice per week schedule and will move progressively through the testing matrix set forth in this policy (see Appendix C).

2. Offenders With An Indication of Substance Abuse and More Than One Year to Serve Under Supervision

Initially, all offenders with any indication of substance abuse and more than one year to serve under supervision shall be placed on a twice per week drug testing schedule for eight weeks.

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.

² Negative drug use/testing means that the offender has not tested positive for a drug, has had no behavioral positives, and has not had any instances of waterloading under the current drug testing schedule.

After sixteen consecutive negative test results (without any substance abuse violations), the testing will be reduced to once per week for four weeks. After four consecutive negative tests, the offender will be placed on a monthly drug testing schedule. If, after nine months, the offender has continued to test negative, the offender will be considered for spot drug testing at the discretion of the CSO or SCSO for the remainder of the offender's supervision period. Offenders who test positive during any point of supervision will be moved back to the twice per week schedule and will move progressively through the testing matrix set forth in this policy (see Appendix C).

3. Offenders With An Indication of Substance Abuse and One Year Or Less to Serve Under Supervision

Initially, all offenders with any indication of substance abuse and with one year or less to serve on supervision shall be placed on a twice per week drug testing schedule for four weeks.

- a. Offenders with less than 90 days on supervision, who have eight consecutive negative tests (without any substance abuse violations), shall have their testing reduced to a bi-weekly (testing once every two weeks) schedule for six weeks, pending supervisory approval. Offenders who test positive in this reduced drug testing schedule will be sanctioned in accordance with the Agency's Administrative Sanctions Schedule (see Appendix C) and moved back to the twice per week schedule until they demonstrate eight consecutive negative drug tests (without any substance abuse violations).
- b. Offenders with more than 90 days on supervision, but less than one year, shall after eight consecutive negative tests (without any substance abuse violations) have their testing reduced to once per week for six weeks. After six consecutive negative tests (without any substance abuse violations), testing will be administered once per month for the remainder of the supervision period. Offenders who test positive in this reduced drug testing schedule will be sanctioned in accordance with the Administrative Sanctions Schedule and moved back to the twice per week schedule until they demonstrate eight consecutive negative drug tests (without any substance abuse violations).

4. Offenders in Monitored Testing Schedule

Upon signing the accountability contract, the offender shall be placed in a monitored testing schedule, pending actual treatment placement. A monitored testing schedule is testing once per week to ascertain current usage at the time of actual placement. Once treatment commences, testing will be determined by the modality of treatment. Offenders who are placed in inpatient treatment will be drug tested by the treatment provider. Offenders in outpatient treatment or upon discharge from inpatient treatment, shall follow CSOSA's drug testing schedule in Appendix A, Section B(1) and B(2).

All offenders testing positive shall be sanctioned according to the Graduated Sanctions Schedule (see Appendix C) and referred to CIT for assessment and placement in an appropriate substance

abuse treatment modality in accordance with the Agency's Guideline for Referring Substance Abusing Offenders to the Central Intervention Team (CIT) for Evaluation.

5. Unsupervised/Inactive Offenders

All offenders specifically ordered to "**Unsupervised Probation**" by the Court or "**Inactive Supervision**" by the USPC, after having served a supervision period, shall be exempted from participation in the Drug Testing Schedule, after the initial test at intake, or unless specifically ordered by the Court or the USPC as a condition of release. The releasing authority shall be notified, within five working days, of all offenders in this category who test positive for drugs during the initial test at intake. No further action will be taken unless ordered by the releasing authority.

6. Offenders Under Interstate Compact Supervision

- a. Transfer In Offenders. All offenders under Interstate supervision (transfer in) shall be required to follow the Agency's drug testing schedule, as outlined in this Appendix A, General Procedures.
- b. Transfer Out Offenders. All offenders pending transfer to a receiving jurisdiction under the Interstate Compact Agreement (transfer out) who initially test negative, shall be tested not less than once per month.
- c. Non-Transferable Offenders. All offenders who are non-transferable under the Interstate Commission for Adult Offender Supervision (ICAOS) will be tested in accordance with Interstate Transfer Supervision Operational Instruction.

7. Spot Testing

CSOs also may refer an offender for a spot test at any time, regardless of the offender's current testing schedule. CSOs may base a spot test upon information supplied by law enforcement officials or other third parties regarding recent substance abuse by an offender. In addition, the CSO may refer the offender for a spot test based upon firsthand encounters between the CSO, a CSO team member, or the CSO's supervisor and the offender where evidence of substance abuse is present, or **at any time** pursuant to the CSO's discretion. A spot test also shall be scheduled when a monthly test schedule has been interrupted due to an administrative reason, such as a holiday or computer problem.

C. Authorized Exceptions to the Drug Testing Schedule

In rare, limited circumstances, the SCSO may excuse an offender from following the drug testing protocol. All requests for exceptions to this Policy Statement must be submitted in writing by the CSO, with the justification for the exception, and must receive written approval by the SCSO. The exception must be documented in the Agency's computerized management information system. The releasing authority must be notified in writing of the offender's testing status by the CSO.

D. Drug Testing Profiles

Offender urine samples shall be tested in accordance with the following drug testing profiles:

1. Initial Drug Testing Profile

Offender urine samples will be tested for Cocaine, Opiates, Amphetamines, PCP, Marijuana, Methadone, and alcohol.

2. Standard Drug Testing Profile

Offender urine samples will be tested for Cocaine and Opiates, and will be randomly tested for Marijuana and PCP. After three consecutive negatives for either Marijuana or PCP, on a fourth test, the urine sample will be tested for both Marijuana and PCP.

3. Sanction-Based Teams Testing Profile: Sanctions Team for Addiction Recovery High Intensity Drug Trafficking Areas (STAR HIDTA) and Substance Abuse Intervention Team High Intensity Drug Trafficking Areas (SAINT HIDTA)

Offender urine samples will be tested for Cocaine, Opiates, Amphetamine, PCP, Marijuana, Methadone, and alcohol.

4. Special Supervision Teams Testing Profile

Offender urine samples will be tested for alcohol and randomly switched between Marijuana and PCP for offenders in Special Supervision teams.

5. Spot Test Testing Profile

Offender urine samples will be tested for Cocaine, Opiates, Amphetamines, PCP, Marijuana, Methadone, and alcohol.

6. Miscellaneous Testing Profile

Offender urine samples may have other substances, such as alcohol, Ecstasy, or other drugs, added to the standard drug testing profile based on the offender's substance abuse history, a special situation, or as warranted/or requested by the CSO and/or the SCSO.

7. Inability to Provide a Urine Sample

Those offenders who are unable to void a urinalysis sample will be oral fluid tested (i.e., saliva swabbed) by ISCU staff. The frequency of the drug testing will be at the discretion of the SCSO, in consultation with the CSO.

E. Notification of Test Results

Generally, drug test results shall be made immediately available to CSOs, via computer, upon completion of lab analysis and no later than 24 hours after the urine sample is submitted to the lab. The CSO shall review the offender's positive or noncompliant drug test results based on the alerts received through SMART or email notification. If excessive waterloading is indicated (creatinine level is less than 20 nanograms (ng)) or the CSO has received notification of a positive or noncompliant result, graduated sanctions are to be applied in accordance with Appendix C.4. The CSO also shall record in the Agency's caseload information system any decisions reached or actions taken as a result of the conference.

APPENDIX B

DEFINITIONS

Excessive Water-loading: A urine sample with a creatine level of less than 20 ng as determined by the Drug Testing Laboratory.

History of Illegal Substance Abuse: A record of an offender's drug-related criminal history including any current or prior treatment history. Data to determine a history of illegal substance abuse is to be obtained from the Pre-Sentence Investigation (PSI) report, the Pretrial report, the risk assessment screener, or any other information available, such as treatment plans.

Initial Test: The first drug test of an offender's urine sample which is provided during the intake or diagnostic phase of an offender's supervision.

Monitored Status: The status of an offender who is pending treatment placement.

Monthly Test: A drug test of an offender's urine sample which is ordered by the Community Supervision Officer (CSO) and scheduled by the Illegal Substance Collection Unit (ISCU) on a regular monthly basis for a day other than the date of the offender's visit with the CSO.

Spot Test: An unscheduled drug test of an offender's urine sample that is arranged by the CSO or SCSO.

Substance Abuse Violation: A drug test violation is understood to encompass the following—a positive urine sample; failure to report for drug testing; submission of a bogus sample; failure to submit; and an indication of "excessive water-loading."

APPENDIX C

1. OFFENDER DRUG TESTING COLLECTION SCHEDULE

SCHEDULE	OFFENDER SUBSTANCE ABUSE HISTORY/SUPERVISION STATUS
1	<p><u>No indication of substance abuse</u></p> <ul style="list-style-type: none"> a. Test once a week for eight weeks b. Test once a month for three months c. Be considered for spot testing for the duration of supervision
2	<p><u>Substance abuse history and more than one year under supervision</u></p> <ul style="list-style-type: none"> a. Test two times per week for eight weeks b. Test one time per week for four weeks c. Test monthly for nine months d. Be considered for spot testing for the duration of supervision
3	<p><u>Substance abuse history and one year or less under supervision</u></p> <p><u>3a Less Than 90 Days Under Supervision</u></p> <ul style="list-style-type: none"> a. Test two times per week for four weeks b. Test bi-weekly (<i>every two weeks</i>) for six weeks c. Test monthly for duration of supervision <p><u>3b More Than 90 Days, But Less Than One Year Under Supervision</u></p> <ul style="list-style-type: none"> a. Test two times per week for four weeks b. Test one time per week for six weeks c. Test monthly for duration of supervision
4	<p><u>Monitored testing schedule</u></p> <p>Test one time per week pending treatment placement</p>
5	<p><u>Unsupervised/Inactive</u></p> <p>No testing schedule</p>
6	<p><u>Interstate Compact Supervision</u></p> <p><u>6a Transfer In Offenders</u></p> <ul style="list-style-type: none"> a. Follow Schedule 1, 2, or 3, as per Agency policy. <p><u>6b Transfer Out Offenders</u></p> <ul style="list-style-type: none"> a. Test one time per month <p><u>6c Non-Transferable Offenders</u></p> <ul style="list-style-type: none"> a. Test in accordance with Interstate Transfer Supervision Operational Instructions.
7	<p><u>Spot Testing</u></p> <ul style="list-style-type: none"> a. Test at CSO discretion

APPENDIX C

2. DRUG TESTING INSTRUCTIONS

Offender's Name: _____ Docket #: _____ PDID#: _____

I understand that I must refrain from involvement in any activity, refrain from consuming any food or liquid, and refrain from ingesting any product that may interfere with the accuracy of my drug test results. In order to ensure that my urine samples are authentic, I agree to:

- Refrain from consuming excessive amounts of water prior to submitting a urine sample. I understand that I should not consume more than eight (8) ounces of water at least sixty (60) minutes prior to a drug test. Excessive consumption of water prior to a drug test may be construed as water-loading to avoid the detection of alcohol or illegal drug use. Therefore, if my drug test result has a creatine level of less than 20 ng/dl, that sample may be treated as a tainted sample unless frequent and excessive water consumption is deemed medically necessary pursuant to a medical condition that is supported by medical documentation valid to CSOSA.
- Refrain from entering and/or remaining in environments that contain smoke vapors emitted from illegal drug substances.
- Refrain from any physical contact with illegal drugs. I understand that packaging or handling illegal drugs may constitute a violation of the law.
- Refrain from ingesting foods that contain poppy seed products.
- Refrain from ingesting hemp products or by-products.
- Immediately provide my Community Supervision Officer with documentation of all medications being taken or medications newly prescribed by my doctor.
- Refrain from any attempt to bribe, tamper, or obstruct the collection process. It is a federal offense to bribe a federal employee, and a charge of bribery is grounds for prosecution. Tampering or obstructing the collection process could result in a request for a revocation hearing. Joking about the drug test results or process is an inappropriate activity.

I fully understand and agree to comply with the requirements of my drug surveillance and/or treatment conditions as listed above.

(Offender's signature)

Community Supervision Officer

(Date)

(Date)

APPENDIX C

3. Accountability Contract



Court Services and Offender Supervision Agency
for the District of Columbia

Office of Community Supervision Services

ACCOUNTABILITY CONTRACT

Offender Name: _____ PDID: _____

I understand that I am responsible for abiding by the conditions of my release as granted by the Superior Court for the District of Columbia, the United States Parole Commission, or _____ (fill in name of appropriate judicial body). Furthermore, I understand that if I violate any of the general or special conditions of my release, fail to report as required by my Community Supervision Officer (including failing to permit my Community Supervision Officer to visit my home), fail to report for drug testing, test positive for illegal drugs, submit an adulterated sample, fail to appear for treatment sessions, or fail to complete inpatient/outpatient treatment programming as required by conditions of my release or as instructed by my Community Supervision Officer, I am subject to the following sanctions or revocation of my probation, parole, or supervised release. In addition, my Community Supervision Officer may, at any time, submit a violation report to the appropriate releasing authority recommending the revocation of my community supervision. These conditions will remain in effect for as long as I am on probation, parole, or supervised release.

Pursuant to 28 C.F.R. §2.85(a)(15) and Part 810, CSOSA has, at its disposal, a range of sanctions to address offender noncompliance. The Schedule of Accountability through Graduated Sanctions attached below represents the sanctions currently deemed appropriate for effectively supervising CSOSA offenders. CSOSA reserves the right to modify the sanctions attached to the offender's Accountability Contract. Offenders are advised that they must accept the graduated sanctions attached to this Accountability Contract pursuant to the Conditions of Release established by the relevant paroling or court authority. Failure to sign this Accountability Contract does not relieve the offender of the obligations contained in this document.

Signature of Offender Date

Signature of Community Supervision Officer (CSOSA) Date

APPENDIX C

4. SCHEDULE OF ACCOUNTABILITY THROUGH GRADUATED SANCTIONS

If the violation does not include a drug-testing violation, only the sanction above the dashed-line will apply. If a drug testing violation is included in the violation, the items above and below the dashed-line will apply.

		Level I	Level II	Level III	Level IV																													
Intensive/Maximum	Non-Drug Only Sanctions	<ul style="list-style-type: none"> CSO written reprimand OR Increase Supervision Level if not Intensive 	<p>ONE OR MORE SANCTIONS:</p> <ul style="list-style-type: none"> SCSO Written Reprimand Daily Sanctions Groups Community Service Increase Supervision Level 5-Day Daily Check-In 	<p>ONE OR MORE SANCTIONS:</p> <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR Increase Supervision Level, if appropriate 	<p>CHOOSE ONE SANCTION:</p> <ul style="list-style-type: none"> GPS Curfew Halfway Back Residential Sanctions Facility AVR 																													
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With respect to offenders who are testing positive for marijuana use, urine test results that are positive are to be evaluated to confirm that the offender's positive test result is reflective of new use versus residual use. Offenders are not to be sanctioned if the positive test result is reflective of residual use.

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 has 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.

APPENDIX D

LETTERS OF REPRIMAND

1. First Positive Drug Test Reprimand



**OFFENDER DRUG TESTING POLICY
COMMUNITY SUPERVISION OFFICER (CSO)**

FIRST POSITIVE DRUG TEST REPRIMAND/VERBAL

OFFENDER: _____

PDID: _____

Your drug test(s) result from the Court Services and Offender Supervision Agency's Illegal Substance Collection Unit returned a positive test result(s) on the following date(s) for the following drug(s):

<u>DATE(S)</u>	<u>SUBSTANCE(S)</u>	
_____	_____	_____
_____	_____	_____

As a result, you are being reprimanded and sanctioned in accordance with CSOSA's zero-tolerance Offender Drug Testing Policy. You are being sanctioned today as follows:

- Your drug testing frequency will be increased to 2X per week (if appropriate), beginning on _____.

Failure to comply with these interventions will result in increased sanctions.

Offender Date

CSO Date

cc: Offender
Offender File

APPENDIX D

2. Second Positive Drug Test Reprimand



**OFFENDER DRUG TESTING POLICY
COMMUNITY SUPERVISION OFFICER (CSO)
SECOND POSITIVE DRUG TEST REPRIMAND**

OFFENDER: _____

PDID: _____

On _____, you received a written reprimand and were sanctioned for violating CSOSA's zero-tolerance drug testing policy. That was your first reprimand.

You have continued to test positive for drugs. Your drug test result(s) from the Court Services and Offender Supervision Agency's Illegal Substance Collection Unit returned a positive test result(s) on the following date(s) for the following drug(s):

<u>DATE(S)</u>	<u>SUBSTANCE(S)</u>	
_____	_____	_____
_____	_____	_____

- As a result, this is your **second** reprimand.

Continued non-compliance with these interventions may result in notification to the releasing authority with a recommendation for revocation.

Offender

Date

CSO

Date

cc: Offender
Offender File

APPENDIX D

3. Third Positive Drug Test Reprimand



**OFFENDER DRUG TESTING POLICY
SUPERVISORY COMMUNITY SUPERVISION OFFICER (SCSO)
THIRD POSITIVE DRUG TEST REPRIMAND**

OFFENDER: _____

PDID: _____

On _____, you received a written reprimand and were sanctioned for violating CSOSA’s zero-tolerance drug testing policy. That was your first reprimand. On _____, you received a second written reprimand for continued drug use and were sanctioned accordingly.

You have continued to test positive for drugs. Your drug test result(s) from the Court Services and Offender Supervision Agency’s Illegal Substance Collection Unit returned a positive test result(s) on the following date(s) for the following drug(s):

<u>DATE(S)</u>	<u>SUBSTANCE(S)</u>	
_____	_____	_____
_____	_____	_____

As a result, this is your **third** reprimand.

Your next non-compliance violation will result in a referral to the Central Intervention Team (CIT) for a substance abuse evaluation, an increase in supervision level as appropriate, and one or more of the following sanctions:

- 1) Attendance at Community Support Groups two times per week;
- 2) Community Service;
- 3) 5-Day Daily Check-In; and/or
- 4) Sanctions Groups.

Your compliance with the behavioral contract will be evaluated within 30 days. Failure to comply with the behavioral contract may be probable cause for revocation or incarceration. Continued substance use will result in increased sanctions and/or notification to the releasing authority.

Offender

Date

CSO

Date

SCSO

Date