

- Adopt -

CDC NUMBER	PAROLEE NAME (Print or type Last, First M.I.)	PAROLE UNIT	MONTH AND YEAR

PAROLEE SIGNATURE	THIS SECTION IS FOR PAROLE AGENT USE ONLY			
	SAMPLE COLLECTED ON DATE AND TIME	AGENT'S INITIALS	INSTANT TEST RESULTS	SENT TO LAB FOR CONFIRMATION
			<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE	<input type="checkbox"/> YES <input type="checkbox"/> N/A
			<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE	<input type="checkbox"/> YES <input type="checkbox"/> N/A
			<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE	<input type="checkbox"/> YES <input type="checkbox"/> N/A
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			<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE	<input type="checkbox"/> YES <input type="checkbox"/> N/A

PAROLE AGENT NAME (PRINT)	SIGNATURE	BADGE NUMBER	DATE

SUPERVISOR NAME (PRINT)	SIGNATURE	BADGE NUMBER	DATE

DISTRIBUTION: ORIGINAL TO UNIT SUPERVISOR
 COPY TO AGENT OF RECORD FOR FIELD-FILE
 COPY TO PAROLEE UPON REQUEST

Title 15. Crime Prevention and Corrections
Division 3. Adult Institutions, Programs and Parole
Chapter 1. Rules and Regulations of Adult Operations and Programs
Subchapter 8. Pilot Programs
Article 1. Pilot Programs

3999.14. Urinalysis Testing Pilot Program (DAPO). (Repealed)

**~~State of California Department of Corrections and Rehabilitation
Memorandum~~**

~~Date: December 16, 2012~~

~~To: Regional Parole Administrators~~

~~District Administrators, Region II~~

~~South Bay District~~

~~Central Coast District~~

INSTRUCTIONAL MEMORANDUM

**~~Subject: THE DIVISION OF ADULT PAROLE OPERATIONS PILOT PROGRAM FOR
THE URINALYSIS TESTING PROGRAM~~**

~~The purpose of this instructional memorandum is to announce the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO) pilot program for the Urinalysis (UA) Testing Program. The purpose of UA testing (previously referred to as Anti Narcotic Testing) is to detect the presence of prohibited substances used by parolees and respond to positive tests with sanctions and/or interventions.~~

~~The UA Testing Program has been developed in the continued effort to improve procedures by incorporating best practices that promote effective supervision strategies. The UA Testing Program provides parolees with opportunities for long-term recovery from addiction, assists in their reintegration back into the community, and increases public safety by reducing drug use and holding individuals accountable for their actions.~~

~~*The UA Testing Program introduces a new collection process requiring a higher degree of tracking and staff accountability and will be evaluated to determine if the new tracking processes improve the integrity of the UA chain of custody. Additionally, the pilot program will be evaluated to determine the merits and feasibility of immediate intervention utilizing the Instant Test component as outlined in the following procedures.*~~

~~Pilot Program Locations~~

~~The pilot program for the UA Testing Program will be implemented in four parole units in Region II. The pilot locations include Santa Cruz, Salinas 1 & 2, and San Luis Obispo parole units. All parolees assigned to the parole units designated as the pilot program locations shall be subject to participation in the UA Testing Program.~~

~~Pilot Program Structure and Training~~

~~Prior to implementation of the UA Pilot Testing Program, locked UA sample storage containers will be placed within each parole unit. Facilitated training will be provided to all staff at each pilot location and will introduce two new tracking forms. Staff will receive training on the utilization of the Instant Test to facilitate intervention through the placement of sanctions on the parolee. In addition, the facilitators will meet with the Parole Agent III, Unit Supervisor (US) and Parole Agent II (Supervisor) for discussion relevant to their roles and responsibilities for the case review/audit component.~~

Pilot Program Policy

~~All parolees and Civil Addicts may be subject to UA testing for prohibited substances, pursuant to the California Code of Regulations, Title 15, Section 3504. All confirmed positive UA test results must be addressed by intervention and/or sanctions to promote positive lifestyle change.~~

~~The frequency in which UA testing is administered shall be determined by the supervision specifications, and/or any imposed special conditions of parole set by the US or the Board of Parole Hearings (BPH). The UA test is conducted by obtaining a random, unscheduled urine sample from the parolee.~~

~~Parolees with a narcotic-related conviction within five years of incarceration for their current offense, or who have a history of alcohol or substance abuse, may have a special condition of parole imposed requiring UA testing at the direction of the PA. Upon US approval, the special condition of parole to participate in UA Testing shall be stated in the parole plan and documented on the CDCR Form 1515 Addendum (Rev. 12/10), Special Conditions of Parole. If reasonable belief exists that a prohibited substance was recently used, the CDCR Form 1515 Addendum is not required for the PA to order the parolee to provide a UA sample.~~

~~*The Drug Awareness Recognition Technique of identifying and/or drawing upon a conclusion that a parolee may be under the influence of a controlled substance is not authorized by DAPO.*~~

Urinalysis Collection Procedure

~~Prior to collecting the urine sample, the PA shall inquire of the parolee whether the parolee is taking any prescription or over-the-counter medications which may result in a positive UA test result. The PA shall document the parolee's response to the inquiry on the CDCR Form 1650-D (Rev. 06/12), Record of Supervision only when the parolee declares that he or she is taking prescription medication. If the parolee admits to taking prescription medication, and/or the PA suspects that the type of medication may indicate a positive UA test result for a prohibited substance, the PA shall instruct the parolee to provide proof of the current and valid prescription. This information shall be documented on the CDCR Form 1502 (Rev. 10/06), Activity Report, and a copy shall be placed in the parolee's Field File. This activity shall also be documented on the CDCR Form 1650-D.~~

~~The UA sample shall be taken under direct observation of the PA when possible, where he or she can clearly observe the flow of urine into the sample test kit. During the collection of the UA sample, staff shall adhere to the following:~~

- ~~Check the restroom for contraband and conduct a visual search of the parolee's person prior to administering the test.~~
- ~~Conduct a pat down search when necessary, only when safe to do so.~~
- ~~Prohibit the parolee from taking anything other than the test kit into the restroom, and note the temperature and color of the sample immediately following the test.~~
- ~~In the event that direct observation is not possible, further steps may be taken to reduce the chance of manipulation; e.g., no running water or flushing the toilet.~~
- ~~The parole staff obtaining the sample from the parolee is responsible for documentation and placement of the sample into the locked UA sample storage container as outlined in this memorandum.~~

~~Staff shall adhere to the following procedures when collecting, packaging, and shipping UA samples to the laboratory as described in this instructional memorandum.~~

~~The UA samples being sent to the laboratory for confirmation must include the security labels provided by the contracted laboratory, and must be completed by the PA who collected the urinalysis sample. The PA must clearly indicate the type of UA tests to be completed. The label shall include the following:~~

- ~~The date the sample was obtained.~~
- ~~The parolee's CDC number.~~
- ~~The parole unit's identification or billing number.~~
- ~~The name or initials of the PA who **collected** the UA sample.~~
- ~~The security seal to be placed on the sample bottle.~~

Instant Test Kit

~~Collection of the UA test sample shall first be obtained by utilizing the instant test kit. A positive or negative test result shall determine the next course of action.~~

~~In the event of a negative result, the PA shall have the parolee discard the sample in the toilet, and discard the test kit in a trash receptacle. No further lab confirmation is required. The negative test result shall be recorded on the CDCR Form 2249 (06/12), Urinalysis Sample Control Log (draft attached), and shall also be documented on the CDCR Form 1650-D.~~

~~In the event of an undisputed presumptive positive instant test, the PA shall record the test result on the CDCR Form 2249. The PA shall have the parolee discard the sample in the toilet, and~~

~~discard the test kit in a trash receptacle. No further lab confirmation is required. The PA shall adjudicate the presumptive positive test utilizing swift and certain interventions which may include immediate community drug treatment.~~

~~In the event of a disputed positive instant test result, the PA shall have the parolee discard the sample as articulated above. The PA shall obtain a separate sample in the contract laboratory approved specimen bottle. In the event that the PA is unable to obtain a separate second sample on the same day, the PA shall case conference with the US as soon as possible to determine how and when to obtain the second sample. The PA shall process the identification label and instruct the parolee to place the label on the specimen bottle in the PA's presence. The bottle shall be sealed by the parolee and placed into the individual specimen bag. The PA shall record the collection of the sample on the CDCR Form 2249 and secure the sample in accordance to this policy. Upon laboratory confirmation, the positive test result shall be adjudicated according to current policy.~~

~~Tracking of Urinalysis Sample and Documentation~~

~~The PA shall log every sample received by the parolee as follows:~~

- ~~• Enter the UA test sample on the CDCR Form 2249, to include the parolee's name, parolee's signature, CDC number, PA's initials, collection date and time, and UA test results.~~
- ~~• For undisputed or disputed positive test results requiring laboratory confirmation, the PA shall drop the sample into the locked UA sample storage container as described in this instructional memorandum, and make an indication in the laboratory confirmation box on the CDCR Form 2249 verifying that the sample was sent to the lab.~~
- ~~• Enter the sample collection event, the test result, and the outcome on the CDCR Form 1650-D.~~
- ~~• Submit the CDCR Form 2249 to the US, along with end of month reports.~~

~~Locked Urinalysis Sample Storage Container~~

~~To ensure the integrity of the UA sample is not compromised in temporary storage, staff must maintain security of the UA sample from the point of collection and storage to the subsequent transfer to the contract courier. Each parole unit shall maintain the locked UA sample storage container in a fixed location. This is to be an area where parolees are not allowed unattended access. Only the US or designee shall be granted access to the locked UA sample storage container to retrieve the UA samples for transfer to the courier. The US or designee, shall maintain the storage container key in the parole unit safe.~~

~~The UA sample, in the labeled bottle and individually sealed in the bag, shall be secured in the locked UA sample storage container; this shall serve to maintain the chain of custody of the UA sample. The transportation bag shall be maintained inside the locked UA sample storage container until the transportation bag to include the UA samples are transferred to the courier by the US or the US's designee.~~

~~For UA tests conducted in the field, the PA shall deposit the collected UA samples into the locked UA sample storage container upon returning to the parole unit, prior to the end of his or her shift but no later than close of business the next business day.~~

Transfer to Vendor Process

~~Upon arrival of the laboratory courier, the US or designee shall:~~

- ~~• Unlock the locked UA sample storage container and remove the plastic transportation bag containing the individually packaged UA samples.~~
- ~~• Secure the bag and transfer the sealed bag to the courier.~~
- ~~• Print his or her name and sign the CDCR Form 2250 (06/12), Urinalysis Sample Transfer Log (draft attached).~~
- ~~• Obtain the courier's printed name and signature **documenting the date and time of pick-up** on the CDCR Form 2250.~~
- ~~• Place a new plastic transportation bag in the locked UA sample storage container and lock the container.~~

Documentation of Laboratory Test Results

~~The laboratory responsible for analyzing the UA samples shall provide each parole unit with the test results for all submitted UA samples. Typically, the test results are sent to the parole unit via facsimile. Laboratory test results shall be logged, maintained, and processed by designated staff. A legible copy of each individual test result shall be kept in the parolee's Field File for use at a later date, if needed. The parole unit support staff shall:~~

- ~~• Maintain one copy of all test results for the parole unit in a central location, accessible to all staff.~~
- ~~• Provide the US with one copy of the test results.~~
- ~~• Verify Agent of Record (AOR) assignment to each parolee with a positive UA test result, and provide that AOR with a copy of the test results of the affected parolee.~~

~~The current practice of attaching the pink quarter slip (hereafter referred to as a "pink slip") titled "Positive Urinalysis Results" shall continue. These slips are used to help readily identify positive test results. Support staff shall affix a pink slip to the positive test result received from the laboratory prior to forwarding the results to the AOR. The pink slip shall reflect:~~

- ~~• The date of discovery of the positive UA test by the parole unit.~~

- The AOR's name.
- The parolee's.
- The parolee's/civil addict's CDC number.

Adjudication of a Parole Violation as a Result of Positive Test

In the event of a positive test result, the PA shall case conference the violation with the US or PAII (Supervisor) to determine the appropriate interventions and/or sanctions based on the case factors and available resources. The PA shall document the results on the CDCR Form 1650-D, and complete a CDCR Form 1500 (08/08), Parole Violation Decision Making Instrument, identifying appropriate resources and/or interventions provided based on identified criminogenic needs. The US or AUS must verify that all positive test results have been adjudicated pursuant to current policy and procedures.

Unit Supervisor/Parole Agent II (Supervisor)

The US or PAII (Supervisor) shall ensure the parole unit maintains copies of the CDCR Forms 2249 and 2250 documenting proof of all UA sample collections and transfers.

The US or PAII (Supervisor) shall collect all the CDCR Form 2249s from the PAs at the end of the reporting month utilizing the CDCR Form 2249 during the comprehensive case review process to ensure case supervision specifications were met. The US or AUS shall utilize the Form 2249 to compare the samples listed against the laboratory results if the need arises to verify the samples.

Conclusion and Follow Up

The pilot program shall remain in effect for at least 90 days after certification by the Office of Administrative Law and filing with the Secretary of State. The pilot authority will expire by operation of law two years from the date this pilot was initially filed with the Secretary of State (October 25, 2014), unless this pilot is adopted into regulations pursuant to the Administrative Procedures Act. The DAPO management shall conduct a quality assurance audit every 30 days until the conclusion of the pilot, and will evaluate the effectiveness of the program based on the following factors:

- Reduction of parolee recidivism from decreased substance abuse.
- Increased security of the sample collection process.
- Overall cost savings to the State of California attributed to the use of the Instant Test.

Some or all of the components outlined in this memorandum may be regulatory in nature, may not exist in the current California Code of Regulations (CCR), Title 15, Division 3, and shall be subject to promulgation into the CCR, Title 15, Division 3, according to the Administrative

~~Procedures Act upon the conclusion of the pilot program and subsequent statewide implementation of the UA Testing Program.~~

~~If you have any questions or concerns, please contact the Policy and Procedures Unit, DAPO, by e-mail at ParolePolicyandProcedure@cdcr.ca.gov.~~

Original signed by:

~~DANIEL P. STONE~~

~~Director~~

~~Division of Adult Parole Operations~~

~~Attachments~~

~~Image 1 (6.41" X 8.44") Available for Offline Print~~

~~Image 2 (8.44" X 6.73") Available for Offline Print~~

~~Image 3 (8.44" X 6.68") Available for Offline Print~~

Note: Authority cited: Section 5058.1, Penal Code. Reference: Sections 3063.2 and 5058.1, Penal Code.