

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PAROLE DIVISION**



**POLICY AND  
OPERATING PROCEDURE**

**NUMBER: PD/POP- 3.2.10**

**DATE: December 21, 2022**

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**SUPERSEDES: January 25, 2013**

**SUBJECT:** DRUG AND ALCOHOL TESTING ADMINISTRATIVE GUIDELINES

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

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

**I. GOALS**

- A. To establish an illicit substance testing program for offenders under the jurisdiction of the Texas Department of Criminal Justice Parole Division (TDCJ-PD).
- B. To ensure compliance of the terms of the offender supervision conditions and/or sanctions while holding offenders 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**

Offenders shall be selected for drug and alcohol testing through a random and targeted selection process.

**A. Random Selection**

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

2. Offenders shall be selected for random testing from a list that is generated by the Information Technology Division (ITD). Reports are scheduled to be available the first business day of each month. The report(s) 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 offenders to be tested and have the duration of the month to test offenders identified on the report. Testing may be conducted at scheduled office visits; however, if the offender is contacted prior to or after the scheduled visit to report for testing, the offender 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.
4. All positive urinalysis test 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 an offender fails to report for random urinalysis testing as instructed, the parole officer shall contact the offender and instruct the offender to report within one (1) business day. A case conference shall be conducted in addition to the urinalysis test. 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. The parole officer, within three (3) business days, shall update the Specimen testing section in the Offender Information Management System (OIMS) identifying the reason the offender was not tested within 24 hours of being contacted.
  - b. Notifying the parole supervisor or designee that the offender was not randomly tested, including the reason.
6. Offenders whose names appear on the Monthly Random List shall be tested in accordance with the above guidelines for random testing. The parole officer may additionally test the offender as a targeted test if the offender meets the targeted selection requirements.

**Note:** For any month a client appears on the random list and a targeted test is also required, the random test will generally be the only test required for that month. For example, if a client appears on the random list and also meets criteria for targeted testing due to participation in the TC or SACP programs, only one test is needed for the month. Examples of when separate random and targeted tests would be required include the client who had a random test early in the month, then exhibited behavior later in the month indicating drug/alcohol use or if a random test had already been completed however the client has a requirement for weekly UA testing.

B. Targeted Selection

All offenders (except early release 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 testing shall be conducted in such a manner as to avoid setting patterns or routines that can be detected and manipulated by the offender and shall meet the following standards:

1. A 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 screen shall be conducted at least one (1) time per month when:
  - a. Offenders are currently receiving Therapeutic Community (TC) Substance Abuse services (Phase I, I-B, Phase II and Phase III with high or moderate TRAS levels).
  - b. Offenders are currently receiving Substance Abuse Counseling Program (SACP) Level II services.
  - c. The offender's behavior or observable signs indicate drug/and or alcohol use allowing for officer discretion.
  - d. Follow-up testing for the previous month's positive urinalysis.

B. Annual and quarterly report offenders shall be tested in accordance to 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, offender history and/or officer suspicion of alcohol use.

B. Upon testing the offender for illicit substances, the parole officer shall:

1. Complete the Specimen Collection information in the OIMS.

2. Print the Offender Admission of Use and Drug Testing Log Screening/Assessment Referral form (PSVS-35) after completing according to instructions.
3. Review this information with the offender and obtain the offender's signature on the form.
  - a. If the offender signs the PSVS-35 form admitting 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 offender 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. Sign and date the 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 offender if he is taking any prescribed or over the counter medication. It is the offender's responsibility to provide the parole officer with medical documentation of any medications prescribed.
2. The parole officer may consult with the drug testing coordinator or the vendor service representative on whether medication taken by the offender 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.
3. The parole officer shall have the offender 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 offender's physician concerning medications prescribed.

4. The parole officer shall update the OIMS Medical Screen with the offender's verified prescribed medications within three (3) business days.
  5. 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 use and document findings in the OIMS drug test screen upon receipt, within three (3) business days.
- D. The parole officer shall sign a urinalysis (UA) Cup Sign Out sheet for the specimen cup prior to removing the testing device from the DPO drug testing supply area.
- 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 with the offender's name, and state identification (SID) number.
  2. The parole officer shall escort or arrange an escort for the offender to the appropriate restroom under direct and continuous observation. The offender will not be handed the specimen cup until he is ready to provide a sample.
  3. The offender shall be instructed to wash his hands prior to collection.
  4. The offender shall be instructed to remove any jacket and roll up any long sleeves to the elbow.
  5. The offender shall place primary and secondary clothing on lower extremities to the floor.
  6. 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 offender providing a urine specimen (e.g., satellite office), the parole officer shall:
    - a. Ensure that no other person is in the restroom at the same time as the offender and observe the washing of the hands by offender.
    - b. Instruct the offender to remove any jackets, hats, bulky clothing, etc., and leave the items outside of the restroom.

- c. When the urine specimen is received from the offender, the parole officer shall visually inspect the sample for color and appearance and read the thermometer strip on the specimen cup to ensure that the temperature of the urine specimen is at least 90 °F and not more than 100 °F. The parole officer shall document the information on the PSVS-35. If the temperature criteria are not met, the offender shall be instructed to provide another urine sample. If the offender 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 tampered with (e.g. diluted, viscous, etc.).
  - c. There is a presence of blood.
2. Upon becoming aware that the offender is in possession of or used a substance or device that is designed to falsify drug test results, the parole officer shall:
  - a. Notify his immediate supervisor.
  - b. Contact law enforcement to notify them of an offender's possession or use of a substance or device designed to falsify drug test results (TEX. 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 identifying the offender attempted to falsify the urinalysis test result.
4. The parole officer shall require an additional sample from the offender, if the offender remains available.

5. The inability or refusal by the offender to provide a urine sample will be addressed as a violation of the statutorily mandated condition requiring all offenders to submit to testing for alcohol or controlled substances. The parole officer shall take action as outlined in Section VII. A above. The offender shall be informed of this upon his inability or refusal to produce a urine sample.
  - a. The parole officer shall allow the offender adequate time (2 hours) to submit a urine sample.
  - b. The offender may not leave the premises while waiting to undergo the drug test. If the offender leaves the premises, this shall be considered a refusal to submit to required urinalysis testing.
  
- G. When testing is completed, the parole officer shall observe the test results with the offender and 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). 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 result is positive and the offender subsequently admits to the use of an illicit substance, the parole officer shall obtain a signed admission of use on the PSVS-35.
    - a. If a pre-revocation warrant or summons is being pursued, the parole officer shall prepare the specimen for transport and confirmation testing following the vendor's shipping procedures.
    - b. If a referral to treatment is being pursued, the parole officer shall complete page 2 of the PSVS-35, identifying the offender's admission as reason for referral type (Section VII.A.4).
  2. If the offender does not admit to illicit substance use or a referral to SACP programming or a pre-revocation warrant or summons is being pursued, the parole officer shall prepare the specimen for transport 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 offender 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 empty container shall be recapped and deposited into the DPO trash receptacle designated for the collection of used testing supplies by the offender. For offenders 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 (whether positive or negative), in addition to the confirmation test results received from the legally certified laboratory, shall be retained in the offender file for a minimum period of five (5) years from the drug test completion date.
- J. Effective the date of this policy, 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.
  2. If scanning is not available, sent to the CFCU, Attention: File Material Request Desk in order to be retained in the offender central file.

## V. ALCOHOL TESTING PROCEDURES

- A. When an alcohol testing device is used, the parole officer shall sign the Alcohol Testing Device Sign-Out sheet 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 offender.
  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 into the OIMS, or send to the CFCU File Material Request Desk to be scanned into the OIMS, if scanning is not available.
  5. Send the PSVS-35 forms that have not met the retention period and have not been scanned in the OIMS to the CFCU, Attention: File Material Request Desk, in order to be retained in the offender 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 offender has not already provided a urine sample, the parole officer shall instruct the offender to provide a urine sample, utilizing cups provided by the vendor and follow confirmation testing procedures identified in Section VI.
- E. Positive alcohol test results, where the offender 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 offender to provide a urine sample, utilizing cups provided by the vendor and follow confirmation testing procedures identified in Section VI.

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

## VI. CONFIRMATION TESTING PROCEDURES

- A. The offender 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 urine specimens not sent to the confirmation lab within 48 hours 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 CFCU, File Material Request Desk for retention should scanning not be available. 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 of confirmed positive, number of confirmed negative and 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 inability to test sample, the offender 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.A.4.

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

If an offender tests positive or admits to the use of an illicit substance, 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 “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, identifying the reason for referral and the referral type, as applicable. Reasons shall only include the following:
  1. Offender’s admission to using drug and/or alcohol within the last four (4) weeks.
  2. Offender’s agreement to be referred.
  3. Offender’s behavior and/or observable signs of drug/alcohol use.
  4. A positive drug confirmation test regarding the offender 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 offender file by scanning the document into the OIMS or submitting to the CFCU, File Material Request Desk should scanning not be available per Section IV.G. and J., in addition to a mainframe referral request to 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 urinalysis testing or handling alcohol-testing devices.

2. Wash hands or other affected areas with antibacterial soap and warm water immediately after coming into contact with bodily fluids from the collection, transportation, testing of urine specimens or when helping the offender perform the breath alcohol test.
  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 offenders.
  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 room or area designated only for urinalysis testing and storage.
  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 DPO's and shall be used for all expended drug testing supplies.
    - b. The contents of all urine specimen containers shall be deposited in accordance with Section IV.F.
    - c. The double trash bags shall be tied (sealed) and discarded daily by using the normal solid waste disposal process.
- B. Optional safety equipment (disposable surgical masks and eye protectors) are available for use by all staff at their discretion during drug testing activities such as collection, transport and/or testing 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 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 shall:

1. Implement and monitor the drug and alcohol testing and safety procedures required in this policy through initial staff training and regular in-service trainings.
2. Order, receive and maintain drug and alcohol testing supplies.

a. When supplies are reduced to a 45 day inventory, the coordinator shall order a three (3) month inventory of supplies on the established order forms.

The coordinator shall inventory supplies on a monthly basis ensuring that the oldest inventory is stored such that it will be used first. 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 purchaser.

b. The coordinator shall monitor the use of supplies to prevent improper use, ensure that supplies are used before expiration dates and prevent waste.

c. The coordinator shall verify that 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 batched with the corresponding order form.

d. Supplies shall be kept in a secured area during non-business hours and supplies requiring refrigeration shall be refrigerated as directed by the manufacturer.

3. 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. Ensure that parole officers sign the forms as devices are taken from inventory supplies.

b. Maintain the completed forms on file for completion of end of month inventory purposes.

c. Inventory monthly all drug testing devices and document on the DPO Monthly Drug and Alcohol Testing Inventory Tracking Log (PSVS-47).

The PSVS-47 shall be submitted to Specialized Programs via Lotus Notes or fax along with the required monthly PSVS-34 by the fifth (5<sup>th</sup>) business day following the report month.

4. 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.
  5. Maintain records/statistics reflecting drug and alcohol testing.
    - a. The coordinator shall collect and complete information identified on the PSVS-34 and submit a copy, via Lotus Notes or fax to Specialized Programs by the fifth (5<sup>th</sup>) business day following the report month.
    - b. All records relating to the PSVS-34 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 when a drug testing coordinator assignment has changed.

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