



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	SECTION NUMBER	PAGE NUMBER
		14-112A	1 of 8
		<b>SUBJECT:</b> <b>PAROLE SERVICES: Substance Abuse Testing of Offenders on Post-Incarceration Supervision</b>	
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## POLICY STATEMENT

To promote public safety and as part of offender risk reduction and case management, KDOC monitors offenders under supervision for the use of illicit drugs and/or alcohol abuse. Drug and alcohol testing shall be conducted by trained personnel and shall fully document chain of custody of testing samples. Testing shall focus on offenders with a documented history of drug or alcohol abuse or be based upon reasonable suspicion that the offender has engaged in illicit drug consumption. Staff may utilize approved testing systems, which include urinalysis tests, breath alcohol tests, and saliva tests. (4-APPFS-2D-04)

Instances of illicit substance use or alcohol abuse shall constitute a violation of release conditions and be managed in accordance with IMPP 14-137/14-137A. Interventions should be utilized for the purpose of deterring additional drug/alcohol use and/or addressing issues related to drug or alcohol dependence.

## DEFINITIONS

**Adulterated Urine Sample:** A sample in which a forensically identifiable non-physiologic substance was detected. A urine specimen into which a substance was deliberately placed.

**Chain of Custody:** The chronological documentation and paper trail that reflects the custody, control, transfer, analysis and disposition of a sample of bodily fluid that has been submitted for testing.

**Confirmation:** Verification of drug presence by a scientifically proven method. Gas Chromatography-Mass Spectrometry (GC-MS), a highly specific testing method used to confirm immunoassay positives, is used as the method to confirm initial specimens yielding positive results.

**Documented History:** The offender has been diagnosed as having an addiction and/or habituation; drug use was a factor in the commission of a crime; and/or drug use has contributed to problems with employment, family functioning, etc.

**Diluted Urine Specimen:** A urine specimen with a Creatinine < 20 mg/dL AND Specific Gravity < 1.003 – any drugs present MAY be diluted to concentrations below the threshold. Positive results are valid.

**GC\_MS Testing:** GC-MS testing identifies the existence of certain controlled substances via its reliance upon the combined sciences of Gas Chromatography and Mass Spectrometry. Gas Chromatography is an analytical separation method in which chemical components are separated by a combination of three mechanisms: partition, adsorption, and volatility (differences in boiling points). The chemical components are then identified through the use of a mass spectroscope. This analysis is conducted only by a professional laboratory certified in the use of these combined sciences.

On-Site Test: A test conducted at the site of collection utilizing a device for the detection of illicit or prohibited substances contained in the urine, breath, or saliva capable of providing immediate results.

Positive Initial Drug Test: An initial drug test returning a positive result.

Reasonable Suspicion: An objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping and sometimes searching (as by frisking) a person thought to be involved in criminal activity at the time. An officer must be able to point to specific facts or circumstances even though the level of suspicion need not rise to that of the belief that is supported by probable cause. A reasonable suspicion is more than a hunch.

Treatment: Contracted substance abuse services provided to offenders including, but not limited to, therapeutic community, reintegration, relapse prevention, outpatient counseling, and aftercare or KDOC approved private substance abuse services obtained at the offender's expense.

Urinalysis: Testing performed on a sample of urine for the purpose of detecting the use of specified drugs or alcohol. Commonly referred to as "UA."

## **PROCEDURES**

### **I. Applicability and Testing Authorization**

- A. Drug and/or intoxicant testing may be conducted in the following cases:
  - 1. When there is a reasonable indicator that an offender is using drugs or alcohol;
  - 2. When an offender has a documented history of illicit drug use;
  - 3. When the offender has been convicted of a drug or alcohol related crime, or drug and/or alcohol use was a factor in the commission of the offense;
  - 4. If the offender has been diagnosed with substance abuse or as substance dependent;
  - 5. The offender previously tested positive for illicit drugs or alcohol while on supervision, or admitted to the use of illicit drugs or alcohol while on supervision;
  - 6. The offender has a score of 1 or more in the Alcohol/Drug section of the most recent LSI-R assessment; and/or
  - 7. When, in the judgment of the supervising officer, any other reasonable basis exists for testing.
- B. Parole officers shall be authorized to conduct a pat down search, as needed, and collect the sample for testing.

### **II. Drug Testing Guidelines**

- A. All offenders shall be tested, by urinalysis (UA) or other appropriate means, for use of prohibited drugs or alcohol within the first 30 days of supervision.
  - 1. Drugs selected for testing should include the offender's drugs of choice as determined during initial classification and review of history, as well as other drugs the offender might reasonably be inclined to use in violation of release conditions.
- B. Offenders without a documented drug abuse history and who have negative results upon initial testing shall be subjected to additional tests when there is reasonable suspicion to indicate illicit drug use has occurred.

1. Testing for prohibited substances shall not be required for those on low supervision unless there is indication of usage.
- C. Offenders testing positive on the initial test and those with a documented history of substance abuse shall be subjected to additional tests for drug/alcohol use at appropriate intervals based upon the offender's circumstances. Factors to consider in determining the frequency of testing include substance abuse history, supervision history, and when indicators are present that give rise to the possibility that the offender is using/abusing prohibited substances.

### **III. Chain of Custody Form**

- A. A Chain of Custody form shall be completed only when a urine sample is being submitted to the laboratory or when confirmation of an on-site test is being requested.
- B. A Chain of Custody form is not necessary if on-site testing is done and no sample is being submitted to the testing laboratory.

### **IV. Chain of Custody Form Completion Instructions**

- A. Forms must be completed in a legible manner that thoroughly documents the sample collection process.
- B. Address Panels
  1. The address panel contains the name of the parole office, address, and account number, which will be unique for each office or contract facility.
- C. Drugs to be Tested
  1. A check mark shall be clearly made by each drug requested for testing.
    - a. If Ethyl Glucuronide [EtG] testing is being requested to check an offender's urine for alcohol consumption within the last 80 hours, the parole collector shall write in "EtG" and place a check mark in front of it.
- D. Specimen Number
  1. This is a unique identifier for the sample that is being tested and is a designated number contained on the pre-printed Chain of Custody form.
- E. PO Name and Number/Collector/Date and Time Collected
  1. The officer's last name, followed by the first name and PO code, shall be entered.
  2. The Collector and/or Observer shall be documented, if different from the PO listed on the Chain of Custody form.
    - a. For the purposes of Chain of Custody, the Observer is the person who watches the offender provide the sample that will be tested. The Collector is the person who receives the sample from the offender and prepares it to be sent for testing. The Collector is assumed to also be the observer, unless indicated differently on the Chain of Custody form.
    - b. In the absence of a designated location on the Chain of Custody form for the Observer's signature, the staff person serving as the observer shall sign his/her name on the form with the notation "observer".

3. In the event that the urine sample cannot be observed by a staff person, that fact must be indicated on the Chain of Custody form. The PO or collector shall write "Unobserved" next to the collector's name or signature.
  - a. Chain of Custody forms completed at contracted facilities shall contain the name of the supervising parole officer in the parole officer field.
    - (1) Completed forms shall be faxed to the designated parole officer for data entry at least once daily, unless the contract facility has the capabilities to enter UA's into OMIS.
4. The date collected shall be entered.
5. The time collected shall be entered in military time (24-hour clock).

**F. Offender Information**

1. The offender's last name followed by the first shall be entered.
2. The offender's KDOC number shall be entered as a seven-digit number. Leading zeros shall be entered for five digit numbers.
3. The specimen temperature shall be entered if taken.
4. The person collecting the sample shall verify the identification of the offender by placing an "x" in the appropriate box: "Picture I.D.," "Supervisor," or "Other."

**G. Medications Used**

1. The parole officer shall enter all medications currently reported as being taken by the offender, including the amount used per day and the most recent dates used.

H. The offender shall be questioned as to any illegal drug usage. If information is volunteered, the name of the drug, amount used per day, and the dates used shall be entered.

**I. Signatures**

1. The collector, the offender, and the observer if not the same as the collector, shall sign the chain of custody form in the proper locations. Should the signature of a collector or observer not be easily readable, the signer shall print his/her name underneath the signature.

**V. OMIS Entry and Documentation**

- A. All sample collections including on-site testing shall be entered into the OMIS database as soon as possible and no later than two working days after sample collection.

**VI. Guidelines for Urine Sample Collections**

- A. The staff member collecting the sample shall verify the identity of the offender, if not already known, by checking the offender's driver's license or other photo identification.
- B. Urine sample collections shall be observed by a person of the same gender as the offender providing the specimen.
  1. A sample may be collected without staff observation if the parole officer is not of the same gender and another staff person is not available to observe the sample being provided.

- C. To ensure the provision of an unadulterated urine specimen the following actions shall be taken:
1. Whenever possible, the parole officer shall observe the actual urine collection process to prevent possible attempts by the offender to dilute or contaminate the sample.
  2. Trained staff may conduct a search of the offender's possessions. Additionally, a pat search of the offender may be conducted by trained staff.
  3. Ensure that the collection area is clean, sanitary, and out of public view, and the offender washes his/her hands with soap prior to giving the urine sample.
  4. Only use new, leak-proof containers designed for the purpose of urine collection.
    - a. Containers used for a collection attempt at which the offender is unable to provide a sample shall be secured by the Parole Officer, if they will be utilized for a subsequent collection attempt, in order to maintain chain of custody.
  5. Disposable gloves shall be worn by staff members handling urine samples.
    - a. Disposable gloves shall be discarded in a lined waste basket after the urine sample is collected.
    - b. After discarding the gloves, hands shall be washed thoroughly with soap and water, then dried with paper towels.
- D. In the event the offender is unable to provide a urine sample, the following actions shall be taken:
1. Whenever possible, the offender shall be taken to a designated area until the requested sample is provided.
  2. The parole officer may suggest that the offender drink up to 16 oz. of plain water.
  3. Inform the offender that failure to provide a sample within two (2) hours of the officer's direction shall be deemed a violation of parole condition number five (#5) (narcotics/alcohol) and may be used as a basis for the imposition of interventions.
- E. When securing and packaging the sample for analysis, parole staff shall follow the procedures outlined by the laboratory.
- F. Place samples not immediately tested in a designated refrigerator. This refrigerator shall be located in a secure area, and access shall only be authorized by the Parole Director or designee.
- G. Samples shall be packaged for courier service, to be delivered to the laboratory, by trained KDOC personnel.
1. To document the chain of custody for test samples, both KDOC staff and the courier shall sign and date the courier label.

## **VII. Availability of Drug Detection Materials**

- A. Parole staff shall utilize only the laboratory testing vendor for which the KDOC has negotiated a purchasing contract through the Department of Administration - Division of Purchases.
1. On-site drug testing devices may be purchased assuming they meet FDA guidelines.
- B. GC-MS confirmation shall be conducted by a laboratory approved by the Kansas Department of Health and Environment (KDHE).

- C. The Parole Director or designee shall be responsible for maintaining adequate drug-screening supplies and equipment inventories in each parole office under his/her supervision.

**VIII. Actions in Response to Positive Tests**

- A. The offender shall be advised of the test results and afforded an opportunity to explain the findings.
- B. If the result of a urinalysis or onsite test is positive, the offender shall be asked to sign a Drug Testing/Admission of Usage Form, (Attachment A). If the offender signs the form, the need for laboratory confirmation is negated and the specimen may be discarded.
  - 1. When an offender has absconded, or when deemed appropriate by a Parole Supervisor, a positive test may be submitted to the laboratory for confirmation testing prior to discussion of the test results with the offender.
- C. If the offender denies use or refuses to sign the Drug Testing/Admission of Usage Form, a GC-MS confirmation request shall be faxed to the laboratory.
  - 1. Confirmations of initial on-site tests shall be requested by completing a Chain of Custody form, writing "Confirm for," and checking or writing in the drugs to be confirmed.
  - 2. Confirmations of initial lab tests shall be requested by writing "Confirm for" and citing the drug to be confirmed on the bottom portion of the initial test results document.
    - a. The document shall be faxed to the drug testing vendor.
- D. Positive drug/alcohol tests or Admissions of Usage should be addressed as condition violations, per IMPP 14-137/14-137A.
  - 1. Interventions made in response to all positive tests shall be directed toward efforts to deter further use and may include substance abuse evaluation and subsequent treatment or other appropriate measures.
    - a. For offenders not indicated in section I.A., positive results obtained from random or suspicionless tests shall not result in interventions of the liberty-restricting variety including, but not limited to house arrest, jail or, revocation.
  - 2. Any mental health or substance abuse professional assigned to the offender's case shall be advised in a timely manner.

**IX. Actions in Response to Diluted/Adulterated Samples**

- A. Samples shall be considered to be diluted when the Creatinine level is reported at less than 20 mg/dL and the specific gravity is reported at less than 1.003.
  - 1. If it is unclear or suspected that a sample is diluted or adulterated, the parole officer should make an inquiry to the drug testing contractor.
- B. Offenders who have two or more consecutive diluted samples shall be targeted for follow-up actions which may include:
  - 1. Discussion of the abnormal results with the offender, specifically questioning the offender regarding his/her drug use and fluid intake within the last 24 hours;
  - 2. Addition of a special condition requiring limited fluid intake prior to the office appointment (see Attachment B);

- a. Subsequent appointments for offenders who have been assigned this special condition shall be scheduled in the morning because of the fluid restriction requirement.
3. Unannounced UAs; and/or
4. Testing by alternate means, i.e., saliva, etc.
- C. After a special condition requiring limited fluid intake has been imposed, any diluted samples submitted by the offender shall be considered to be a refusal to provide a UA.
- D. Any adulterated sample results shall be considered to be a refusal to provide a sample and shall be documented as a violation.

**X. Disposal of Urine Specimens**

- A. Once it has been determined that a specimen may be discarded, the parole officer shall direct the offender to pour the specimen down the toilet and flush with water.
- B. Emptied specimen containers shall be placed in a double-lined waste basket.

**XI. Fee Assessment Procedures**

- A. Offenders sustaining positive initial urine test results shall be assessed a fee of \$10.00 for each drug testing positive.
- B. An additional fee of \$30.00 shall be assessed for each drug testing positive on the initial urine test requiring confirmation.
- C. A fee will not be assessed for a positive urine test if screened within the following timeframes after a previous initial test:
  1. Marijuana--30 days.
  2. All other drugs--3 days.
- D. If an offender admits to the use of drug(s) before testing and the officer elects not to test the offender, or tests for that drug(s) and the result is positive, no charge will accrue.
  1. The parole officer shall complete the admission section of the Drug Testing/Admission of Usage Form and shall obtain the offender's signature.
- E. Offenders refusing to be tested will not be charged for a positive urine test; however, the refusal may be considered a violation of release conditions and interventions imposed, per IMPP 14-137/14-137A.
- F. An open balance shall be maintained by the KDOC, for offenders being charged for a positive urinalysis, until payment is received, regardless of the offender's return to prison as a violator.
- G. Collection of positive urinalysis fees shall be conducted pursuant to IMPP 14-107/14-107A.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

K.S.A. 75-5212, 75-5214  
IMPP 14-107/14-107A, 14-137/14-137A  
4-APPFS-2D-04

**ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Drug Testing/Admission of Usage Form	1
B	Special Condition	1



**Kansas Department of Corrections  
Division of Community and Field Services  
Drug Testing and Admission of Usage Form**

Offender Name and Number: \_\_\_\_\_

**Documentation of Onsite Testing**

Date of Test: \_\_\_\_\_

Test Results:

	Breath Alcohol	THC	Amph	Meth	Cocaine	Morphine	Opiate	Benzo	PCP	K2	Bath Salts
Negative											
Positive											

**Admission of Usage**, \_\_\_\_\_, voluntarily admit to using the drugs/alcohol listed below:  
(name)

Drug Used	Date of Use

Mark the box that is applicable for the type of admission and fees involved:

**Pre-Test Admission**

Because of my admission to the use of the prohibited or illegal drug(s) listed above prior to testing, I understand that I will not be charged for a positive drug test for the drug(s) indicated.

**Post-Test Admission**

Because of my admission to using the prohibited or illegal drugs listed above, GCMS confirmation testing of my urine specimen will not be conducted. I agree to waive the GCMS confirmation test and accept the action taken based on my truthful admission of drug usage.

Offender Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parole Officer/Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**KANSAS DEPARTMENT OF CORRECTIONS**  
**Division of Community and Field Services**  
**DRUG TESTING REQUIREMENTS**  
**SPECIAL CONDITION**

TO: \_\_\_\_\_

FROM PAROLE OFFICER: \_\_\_\_\_

RE: SPECIAL CONDITION OF PAROLE – URINALYSIS CONDITIONS

Because you have provided two consecutive abnormal urinalysis samples that indicate excessive intake of fluids prior to your test, the following requirements shall be met prior to a scheduled meeting with the parole officer:

- On the day that you are scheduled for a meeting with your parole officer and prior to the time of the meeting, you shall limit your intake of fluid to not more than sixteen ounces.
- If required to provide a urine specimen by the parole officer, you shall submit your sample within a maximum time period of two hours.
- Failure to provide an adequate sample within the specified time frame shall result in a violation for failure to provide urine sample.
- You shall ingest no substance in an attempt to alter the results of the test.

A laboratory report indicating a significant intake of fluids following notice of an impending drug test, in the absence of a satisfactory explanation, may be treated as evidence that you attempted to defeat the detection of drug usage.

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Parole Officer Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date