

**PROBATION DEPARTMENT
ADULT MANUAL**

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**Notes and
References**

**SUPERVISION OF CONTROLLED SUBSTANCE ABUSE
CASES**

I. Introduction

This chapter describes the expectations and procedures for the supervision of cases in which the abuse of controlled substances is an issue. This chapter also outlines the procedures for the implementation of urine testing when ordered by the court as a term and condition of probation or post release community supervision (PRCS) and to assist the supervision officer in the screening and detection of possible substance abuse cases.

II. Screening and Detection of Substance Abuse Cases

- A. As part of the normal supervision process, the supervision officer should remain alert to any indications of substance abuse.
- B. The process of screening and detecting substance abuse includes noting and interpreting possible signs of abuse. The following list suggests some signs of possible substance abuse:
 - 1. The defendant admits drug use of any kind.
 - 2. The defendant is arrested for a drug offense.
 - 3. The defendant fails to appear for scheduled drug tests or avoids contact with the probation officer.
 - 4. The defendant is arrested for a series of non-drug offenses that are apt to be committed to support drug abuse, e.g., petty theft, prostitution, burglary, crimes of violence.
 - 5. The defendant has physical signs of drug use, e.g., has needle “tracks,” serious dental problems, adult acne, open sores on face or hands, shows a weight loss, etc.

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6. Information from others (police, family members, concerned parties, district attorney, CI, etc.) indicates the defendant is involved with drugs.
 7. The defendant is found to have drug paraphernalia.
 8. The defendant associates with known drug users.
 9. The defendant claims to have medical problems which may result from substance abuse (e.g., hepatitis, blackouts, convulsions, AIDS).
 10. Substance abuse may extend beyond the use of controlled substances and may involve the abuse of prescription and over-the-counter medications or the combined use of a variety of substances (e.g., alcohol, tranquilizers, codeine, antihistamines). When such activity is suspected, the supervision officer should obtain a release of information and have contact with the defendant's doctor to verify prescriptions and the doctor's awareness of the defendant's drug abuse problem.
 11. The defendant may use other intoxicants, such as synthetic marijuana or bath salts, which could result in bizarre or violent behavior.
- C. If any drug abuse indicators are present and the defendant does not have a testing condition in his/her probation or PRCS order, the supervision officer should develop a case plan that will assist the probationer to overcome the use of controlled substances, and to provide a means of monitoring the drug/narcotic use by the defendant. The supervision officer should consider the following options:
1. Drug Medi-Cal Organized Delivery System (DMC-ODS).
 - a. Complete an Access Line/ODS referral form and Substance Use Disorder (SUD) release of information (ROI) and send to Behavior Wellness.

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- b. Have the defendant call the Access line and assist in making the necessary referrals for treatment based on screening outcome.
- c. If the defendant is in custody and needs to utilize the Access Line, the assigned Probation Officer will complete an Access Line/ODS referral ROI and upload in Impact.
 - i. The Probation Officer will send an email to the Jail Assessors (JA) indicating the need for the defendant to call the Access line.
 - ii. If the defendant meets the criteria for utilizing the Access Line, the JA will print the ROI from Impact, acquire the probationer's signature, and send it to Behavior Wellness.
 - iii. The JA will send the defendant's name to the point of contact at the jail to be placed on the Access Line schedule.
- 2. Return the matter to court for modification of probation to include a chemical testing requirement.

III. Chemical Tests for the Detection of Controlled Substances

- A. In order to include a defendant in a urine testing program, there must be a condition of probation ordering chemical testing. An exception to this may include testing a defendant at the specific request of the Court or consent of the defendant to submit a "voluntary" sample.
- B. In most cases deemed high risk and when chemical testing is a condition of probation, the supervision officer should commence a urinalysis testing program (call-in or random testing). If a new high risk defendant is not placed on call-in testing, the probation officer shall complete a chrono entry as to why call-in urinalysis testing is inappropriate.
- C. Medium and minimum supervision caseloads may initiate urinalysis testing as necessary.

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C. The supervision officer will review the chemical testing procedures with the defendant and present the defendant with a copy of the “Drug Testing Instructions” form.

1. The supervision officer will assign a testing code, typically a designated color, to the case and have the defendant sign the form.
2. If the defendant refuses to sign the form, note in the case file that the contents were reviewed with the defendant and direct the defendant to comply with the drug testing instructions. If he/she refuses to report for testing then a violation of probation report should be filed.

D. If a defendant fails to test on the required day, his/her probation or PRCS is subject to violation proceedings.

However, this is discretionary, based on further investigation by the supervision officer as to the circumstances surrounding the failure to test.

E. The following is a suggested action plan for missed tests. Certain cases may require more assertive action:

1. If the defendant misses a scheduled test, he/she should be contacted as soon as possible and arrangements made to carry out the test. If possible, collect an early morning sample and check for adulteration.
2. If a second scheduled test is missed, the defendant should be tested in the field as soon as possible.
3. If a third scheduled test is missed, consideration for appropriateness to return to Court for violation proceedings should be made..

F. If the defendant has tested for approximately six months and all tests have been negative, and he/she is otherwise complying with the terms of probation, the frequency of testing should be reduced or testing on a random basis could be initiated. Random testing is best accomplished by obtaining a urine sample during an unannounced field visit.

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1. General Drug Testing Information
 - a. All staff who are involved with urinalysis testing are to become familiar with testing equipment and the following guidelines. It is suggested that the instructional package inserts be reviewed.
 - b. Products are available for single or multiple drug screening. The majority of the samples taken in the office and in the field will be screened by the use of the screening tool.
 - c. Utilization of the screening tool is a key element of the department's urine testing program both for cost-effectiveness and the immediacy of results.
 - d. The screening tool should be stored at room temperature, 15 – 30 °C (59 – 86 °F), in the original packaging. If the packaging is damaged (e.g., a hole or tear), do not use the tool. Do not use the product after the expiration date printed on the packaging.
 - e. When placing a defendant on a random testing program, the drug of choice information should be included on the testing contract.

The abbreviations to be used are as follows:

- f. Amphetamine – AMP
Benzodiazepine - BNZ
Cocaine – COC
Marijuana – THC
Methamphetamine - MET
Morphine – MOR
Phencyclidine – PCP
Poly use – PLY
To be sent directly to lab – LAB

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These abbreviations will appear beside the names on the computer-generated testing log and will determine how each sample is tested. If an officer wants a defendant to be tested for a drug other than that which is noted on the log, a change should be entered on the log.

2. Conducting Tests on men, women, transgendered

With regard to testing female defendants, they should be required to squat, not sit and be positioned in such a manner so that the testing officer will have an unobstructed view of the urine being discharged into the receptacle.

With regard to testing male defendants The testing officer should have also an unobstructed view of the urine being discharged into the bottle.

In circumstances where the drug testing of a defendant involves a transgender person or person whose gender expression is apart from their gender assignment, the staff conducting the test may be of the opposite assigned gender from the client, if the client requests it. In such cases, that agreement is to be secured and documented in a Pro-313 and a Special Instruction Event in Impact. Additionally, before each test the staff conducting the test should confirm the client's documented request has not changed. Should the request change at some point, a new Pro-313 and Special Instruction Event should be completed.

IV. Urine Testing Procedures

- A. Universal Precautions should be observed when obtaining urine samples and gloves should be worn.
- B. The Probation Officer must observe the defendant at all times during the testing process and remain alert to potential distraction attempts or efforts to falsify the urine sample. If the volume is insufficient, allow the donor to have no more than 8 oz. of water every half hour, they should NOT exceed (24 oz.) of water IN ONE HOUR.

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- C. Observe the temperature and color of the urine in the bottle and make a note on the testing log if those characteristics appear abnormal.
- D. Urine should be at body temperature and some color should be apparent. If the urine is not at body temperature or is nearly clear, there is a possibility that it is an altered specimen.

If the urine appears diluted, consider utilizing a specimen validity test to determine if the probationer has diluted the sample.
- E. Defendants providing specimens that appear abnormal should be required to submit a second specimen as soon as possible.
- F. If possible, the supervision officer should conduct the urine test on his/her own probationer.
 - 1. The supervision officer is more likely to detect any discrepancies in the probationer's behavior.
 - 2. If anyone other than the assigned supervision officer performs the urine test, he/she should review pertinent information about the defendant's testing requirements and drug preference, as well as obtain a valid picture ID from the defendant.

See the step-by-step instructions for the use of the Redwood Toxicology RediTest® Panel-Dip testing devices posted in each testing facility.
 - a. When testing in the field or in the office, immediate use of the tool to screen the urine sample is strongly encouraged. If the test is negative, enter "negative" in the Comments/Results section of the log and dispose of the sample by flushing it in the restroom.
 - b. All results shall be entered on the testing log (e.g., positive COC, negative THC).

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- c. If the defendant admits illegal drug usage, he/she should be asked to sign the Statement of Admission form. If the defendant signs the statement, the urine sample can be properly disposed.
- d. If the defendant does not admit illegal drug usage, the specimen will be sent to the laboratory for confirmation, see section on laboratory testing procedure.
- e. It is suggested that defendants not be placed on random call-in testing for alcohol due to the short period of time that alcohol remains in the system. Defendants with a “no alcohol” term of probation should be tested with the Alco-Sensor FST provided by Intoximeters, Inc. in the office or the field.

G. Call-In or Group Testing

- 1. An announcement of the colors to report for testing will be recorded every day. On testing days, an assigned clerical staff will verify that the color codes designated on the announcement match those that are listed on the testing log for that day. That person, upon such verification, will sign and date at the bottom of the log to attest that the codes match those of the log.
- 2. A minimum of two Probation Officers should conduct call-in testing, but three officers is preferred. One Probation Officer should perform the role of greeter and provide the receptacle, one Deputy Probation Officer will collect the sample, and one Deputy Probation Officer will test the sample.
- 3. The greeter will make initial contact with the defendant and confirm their identity.
- 4. The specimen bottle will then be handed to the probationer after his/her name has been written in indelible ink on the bottle.

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5. The observation Deputy Probation Officer will closely monitor the defendant at all times while they provide the specimen.
6. Due to chain-of-evidence concerns, the person conducting the test must be able to testify that the urine came from the defendant's body.
7. The observation Deputy Probation Officer will ensure the sample is unaltered and provided to the testing Deputy Probation Officer, who will utilize the test sticks, analyze and log the results.
8. Urine is evidence and that the rules for chain-of-evidence apply at all times. The specimen bottle must be under the observation and control of an officer or probation assistant at all times until placed in a lock box or is disposed.
9. If the sample is positive, and an Statement of Admission is not obtained, the specimen bottle must be labeled and properly logged and sent to the lab following the laboratory procedures outline in this policy.
10. At the conclusion of any group testing occasion, all staff who were involved must sign the testing log, which then becomes an official document.
11. Testing logs and laboratory affidavits are to be kept in a secure location for a minimum of two years to allow for the possible necessity of their use in a delayed violation of probation/supervision proceeding in court.
12. Laboratory Testing

If a urine sample tests presumptively positive and an admission was not secured, the sample will be sent to the laboratory following the following procedure:
 - a. Place the collection receptacle inside the plastic bag.

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- b. Place the receptacle inside the specimen collection box.
- c. Place the collection box inside the lock box, which is stored in the storage room pending delivery to the toxicology laboratory.

Samples tested by the toxicology laboratory should be limited to the following circumstances:

- 1- Drug of choice screening tool is not available.
- 2- Positive sample and probationer denies use.

13. Disposal of Samples Retained by the Laboratory

The laboratory routinely disposes of positive samples after ninety (90) days in storage.

Negative samples are destroyed within two (2) weeks. If it should be necessary to retain the sample beyond that time frame, it is the supervision officer's responsibility to notify the laboratory.

14. Disposal of Contaminated Testing Materials

- a. Care should be taken to dispose of all testing materials in a lined trash container.
- b. If the sample should spill, it should be cleaned up with a 1:10 bleach solution (one part bleach to ten parts water). If the sample should come in contact with unprotected skin, that area should be washed immediately with soap and warm water.

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V. Breath Testing Procedures

- A. Breath tests may be performed on defendants suspected of having consumed alcohol and who are prohibited from doing so, based on their probation terms and conditions, utilizing the Alco-Sensor FST provided by Intoximeters, Inc. Prior to using the device, staff must first be trained on its proper use as provided by Intoximeters, Inc.
- B. Universal Precautions should be observed when obtaining breath samples and gloves should be worn.
- C. All tests should be entered on the testing log.
- D. For all positive tests, the person performing the screening test should obtain a signed Statement of Admission from the probationer. Note the Blood Alcohol Content (BAC) on the admission form.

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VI. Field Testing

- A. If the specimen is taken in the field, it should be labeled and kept in a locked vehicle trunk until it can be brought into the office. The urine sample should be tested, logged, and if necessary deposited in the lock box. Care should be taken to prevent spillage. Used gloves, cups, etc., should be disposed of properly.
- B. Field test kits should be checked for proper contents and expiration dates before each use.

VII. Skin Checks

When conducting skin checks on probationers suspected of injecting illegal drugs:

- A. Gloves should be worn by staff.
- B. Avoid touching suspected injection sites.

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VIII. Narcotics Offender Registration

- A. If ordered by the court, the defendant must register as a narcotics offender.
- B. The probation officer will complete the CA Notice of Narcotic Offender Registration Requirement and instruct the defendant to take the form to the law enforcement agency in their jurisdiction and register within 30 days.
 - 1. Whenever the supervision officer becomes aware that a defendant has failed to register, he/she notifies the defendant that action will be taken unless registration is immediately completed.
 - 2. Continued failure to register will result in a return of the defendant to court for a violation hearing.
- C. The defendant should be instructed to re-register within 10 days of moving to a different address.

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IX. Falsification of Evidence

- A. If ordered by the Court to submit to standardized testing to determine the use of drugs, it is the best practice to have the defendant review and sign the Urine Testing Admonishment (Pro-214).
- B. Urine Testing Admonishment-
The form indicates the use of any urine altering device or apparatus, in an effort to distort or falsify urine testing results, is a felony violation of Penal Code Section 134: ***“Every person guilty of preparing any false or ante-dated book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding, or inquiry whatever, authorized by law, is guilty of a felony.”***
- C. In the event a staff detects, observes or discovers a device intended to falsify a urine sample, the defendant should be detained and all evidence should be collected and stored as per policy.

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- D. As new criminal charges could be forthcoming, the defendant should be mirandized prior to questioning.
- E. In most cases, the defendant will be arrested and booked in the Santa Barbara County Jail and a violation report will be submitted.
- F. An incident report (Pro-313) must be completed, submitted to the Supervising Probation Officer and forwarded to the District Attorney's office for review and possible filing of new criminal charges. A copy of the Urine Testing Admonishment shall be attached to the Pro-313.

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