



OPERATIONAL INSTRUCTION

Operational Instruction CSS-2004-03

Effective: May 13, 2004

Approved: *Thomas H. Williams (signed)*

Thomas H. Williams

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Community Supervision Services

Confirmation of Positive Drug Test for Parole/Supervise Release Cases

I. PURPOSE

This instruction is intended to provide guidance to Community Supervision Services staff on the appropriate process by which to obtain and submit official documentation to the United States Parole Commission (USPC) confirming a parole/supervised release violator's positive urinalysis. This instruction establishes an additional procedure to existing policy, effective immediately.¹

II. GUIDANCE

Confirmation by chromatography/mass spectrometry (GC/MS) chemical analysis is required by the USPC to submit one or more of the violating offender's positive drug test as evidence in an Alleged Violation(s) Report (AVR). In coordination with the Office of Information Technology and the CSOSA/PSA Forensic Toxicology Drug Testing Laboratory (FTDTL), CSS will provide an affidavit of GC/MS confirmation to the USPC, as an attachment to the AVR, verifying one of the violating offender's positive drug test results. The ultimate goal is accurate identification of the illegal substance resulting in a positive drug test, which can be facilitated by the utilization of GC/MS. The following processes are to be followed when requesting and submitting confirmation to support allegations of illegal substance use:

A. Requesting an Affidavit

- 1) All GC/MS affidavit requests are specific to parole and supervised release cases only. The affidavit is to be requested for one of the violating offender's positive drug tests that occurred within the last 30-days.
- 2) The violating offender's assigned Community Supervision Officer (CSO) must submit a request for the GC/MS confirmation affidavit to FTDTL staff via e-mail to "Chain of Custody HD" (listed in the Agency's Microsoft Outlook address book). The e-mail must contain the following information:
 - a. Nature of request (i.e., request for GC/MS confirmation and affidavit)

¹ This Operational Instruction rescinds OI CSS-2004-01.

- b. Identification of the case type (parole or supervised release)
 - c. Date of positive test and corresponding specimen number
- 3) Upon receipt of the CSO's e-mail request, FTDTL staff has five (5) business days to forward the affidavit back to the requesting CSO.

Note: The affidavit will be an e-mail attachment in Microsoft Word format that will contain the official electronic signature of FTDTL Director, Dr. James Jones.

- 4) If the CSO does not receive the affidavit within the established time, he/she shall defer to the SCSO.

B. Submitting the Affidavit to the USPC

- 1) Once the supervising CSO has received the electronic copy of the affidavit from the FTDTL, the CSO shall print and submit the document along with the AVR for supervisory approval. After the AVR has been reviewed and signed by the SCSO, the CSO shall submit the affidavit, the AVR, and all other supporting evidence to the appropriate USPC case analyst, via certified mail.

Note: The offender's drug testing history, as extracted from SMART, must still be submitted with the AVR to the USPC case analyst as supporting evidence. The GC/MS affidavit does not take the place of the offender's drug testing history when supporting an allegation of illegal substance abuse.

- 2) Only if the assigned CSO is requesting an emergency warrant will the AVR and affidavit be submitted via fax to the USPC. In which case, the AVR may be submitted to the USPC prior to receiving the affidavit from the FTDTL with notation that the positive confirmation is forthcoming. Once the affidavit is received, the CSO shall then submit the affidavit to the case analyst via fax as well.

C. Offender Admission of Illegal Substance Use

- 1) Confronting offenders about their illegal drug use is standard practice among CSOs. In addition to obtaining an affidavit of GC/MS confirmation, if a violating offender admits to illegal drug use (a verbal admission will suffice) the admission must be documented and included in the AVR being submitted to the USPC. Submitting this information to the USPC provides additional confirmation of the violating offender's illegal substance use.