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OTMP

**American Probation and
Parole Association's**

Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies

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SELECTING DRUG TESTING METHODOLOGIES

Methodology Selection

Agency needs related to drug testing should be identified and assessed prior to selecting a methodology. The purpose of testing and how it relates to the mission of the agency should be determined. This review should be done in the form of a formal needs assessment that could be sent to field staff and agency authorities and could be achieved by a thorough examination of relevant data accessible to the agency.

Once the needs of the agency have been defined, it will become necessary to prioritize those needs. This is necessary when selecting a proposal because often an agency will have to justify its choice. The choice should be made based on which proposal best meets the identified priority needs of the agency. If this work is done thoroughly and is well documented from the beginning, it will help ensure an effective and satisfactory selection process.

When developing a drug testing program, the agency should select a methodology that will provide a program which is consistent with the agency mission. Juvenile probation and parole agencies will become involved in selecting the drug testing methodology, or a combination of methodologies, for use in their programs. An agency implementing a drug testing program will primarily use an immunoassay as the initial test. The four types of immunoassays presently available are radio immunoassay (RIA), latex agglutination immunoassay, fluorescein polarization immunoassay (FPIA), and enzyme immunoassay. Occasionally, an agency may need to test for a drug which cannot be screened using an immunoassay. In such a case, other screening methodologies are appropriate only when an immunoassay is not available for a particular drug.

Agency authorities examining methodology issues also will be involved in determining the most

appropriate location for their drug testing operations; that is, onsite versus contracted. The following guidelines should be examined by the agency before moving into the selection process.

5-1. THE TARGET POPULATION AND FREQUENCY OF TESTING SHOULD BE IDENTIFIED TO DETERMINE THE NEEDED EXTENT OF TESTING.

5-2. THE AVAILABILITY OF FUNDS FOR IMPLEMENTING A DRUG TESTING PROGRAM SHOULD BE DETERMINED PRIOR TO SELECTING A METHODOLOGY.

Commentary: The cost effectiveness of each methodology should be considered. Nothing will affect an agency's drug testing program or selection of methodology more than the availability of resources. Sufficient funding is a necessity for even the smallest testing program. These resources can come from a variety of sources such as State and Federal funding or grants. It is critical that an agency clearly outline and justify its testing needs to obtain sufficient funding.

5-3. CURRENT TESTING PRACTICES SHOULD BE REVIEWED AS PART OF THE PROCESS IN CHANGING METHODOLOGIES OR CONSIDERING A CHANGE IN METHODOLOGY.

Commentary: Juvenile agencies may already be involved in drug testing. Changes in the program format may be sought due to new technologies, different resource allocations, or dissatisfaction with current practices. If agencies are involved in some form of testing, it is essential they analyze current practices to identify needed changes for implementing an effective plan of action.

5-4. THE AVAILABILITY OF A TRACKING SYSTEM SHOULD BE CONSIDERED WHEN SELECTING A METHODOLOGY.

Commentary: Agencies may already have developed a method for tracking test results. However, if changes are being contemplated, the most advanced tracking method should be considered. This may involve the utilization of a computer software program developed specifically for tracking testing results. Tracking can also measure long-term effectiveness of treatment programs.

5-5. PROJECTIONS IN THE ANTICIPATED EFFECT OF TESTING, SUCH AS DETERRENCE OR REVOCATION OF PAROLE, SHOULD BE MADE FOR EACH METHODOLOGY CONSIDERED.

5-6. THE DESIRED LOCATION FOR TESTING (ONSITE SYSTEMS OR CONTRACTING OUT) SHOULD BE DETERMINED.

5-7. THE IMPORTANCE OF TESTING ACCURACY SHOULD BE CLEARLY ESTABLISHED.

Commentary: Some methodologies are more accurate than others. The need to use the most accurate and reliable methodology should be balanced against the costs associated with each methodology.

5-8. INFORMATION FROM FIELD STAFF RESPONSIBLE FOR IMPLEMENTING DRUG TESTING SHOULD BE ACQUIRED AND INCORPORATED INTO THE DECISIONMAKING PROCESS.

Methodology Review

A degree in toxicology is not required to select an effective methodology. However, it is important that an agency become familiar with the advantages and disadvantages of each methodology and avoid basing its decision solely on the information provided by a single supplier. Agencies should become aware of several sources of information on drug testing methodology:

- From suppliers.
- From literature reviews.
- From established programs.
- From professional organizations.

A careful review may uncover hidden costs in a drug testing system which would not be evident unless an agency questioned the very methodology the system

uses. During this time, an agency should become familiar with the different definitions involved in testing such as reliability, accuracy, cutoff, sensitivity, and validity. Only by having a basic understanding of this terminology will an agency be able to see how different manufacturers may manipulate these definitions to support their systems.

Reliability and Accuracy

Reliability and accuracy are of utmost importance in drug testing. They relate to the issue of fairness and focus mainly on technology used for the test. If given due attention, they spare the agency the expense and trouble of having to defend constitutional challenges in court.

The twin dangers associated with reliability and accuracy are false positives and false negatives. In general terms, false positive means that a test result shows that a juvenile used drugs when in fact he or she did not. Conversely, a false negative means that the test result shows that the juvenile has not used drugs when in fact he or she did. No legal issues are raised in false negative results, but a constitutional due process (fundamental fairness) issue arises in false positives. A reliable drug test must minimize, if not completely eliminate, false positives and false negatives.

One-hundred-percent certainty is not required in drug tests. Neither is it required in any phase of the criminal justice process. What is required, however, is that the test be highly reliable and accurate. The degree of certainty required for admissibility of technical evidence varies from court to court even within a State. Whether or not a particular type of drug testing is reliable enough for the results to be admissible is up to the court and is a matter of expert testimony.

If an agency is having difficulty determining the best methodology, it should obtain information from other agencies using the various testing systems. However, everyone has biases concerning testing methodologies. Information obtained through the suppliers or other outside agencies should be carefully scrutinized before basing any decisions on this information.

Another approach to compare methodologies accurately could include an inhouse comparison study among the methodologies being considered. This can

be set up with the cooperation of the competing suppliers so that an agency can determine which system is most compatible with its needs and mission.

5-9. THE AGENCY SHOULD REVIEW AND HAVE A BASIC UNDERSTANDING OF CURRENT METHODOLOGIES AVAILABLE FOR ITS TESTING NEEDS. (SEE APPENDIX C FOR BRIEF DESCRIPTIONS.)

Commentary: During this preselection phase, the agency should study each of the methodologies considered by challenging its appropriateness to the agency's drug testing needs. This education process can be assisted by the different suppliers, who are usually very willing to set up formal or informal training sessions to explain the methodology they represent. It should be set up with suppliers representing each of the methodologies being considered.

5-10. INFORMATION ON THE METHODOLOGIES SHOULD BE OBTAINED THROUGH INTERVIEWS WITH VARIOUS SUPPLIERS. DISCUSSIONS WITH OTHER AGENCIES USING THE VARIOUS METHODOLOGIES, SUCH AS OTHER JUVENILE PROBATION OR PAROLE AGENCIES OR STATE CRIME LABORATORIES, CAN ASSIST ALSO.

5-11. A REVIEW OF THE SUPPLIERS' PACKAGE INSERTS CAN HELP IDENTIFY WHAT CONDITIONS ARE REQUIRED FOR TESTING PRACTICES.

5-12. AGENCIES SHOULD REVIEW THE BENEFITS AND DETRIMENTS OF EACH METHODOLOGY FOR ITS COMPATIBILITY WITH THE AGENCY'S DRUG TESTING NEEDS AND PURPOSES, POLICIES, AND BUDGET, AS WELL AS THE TESTING SERVICE'S LOCATION (ONSITE, CONTRACTED, OR BOTH).

Commentary: Reviewing the methodologies involves looking into the systems. Determining the methodology and the location of the system are important when establishing a testing program, and in making these decisions, an agency must clearly delineate the advantages and disadvantages of each methodology or system considered. This will include resource allocations which are discussed in the budget costs section of this document. Agencies also need to examine the benefits and detriments of each methodology or system proposal in conjunction with the following issues:

- Required length of chain of custody. (For example, does onsite testing reduce the need for drawn out and potentially more expensive chain of custody requirements, at least for the majority of initial testing?)
- Cutoff levels. (For example, do the cutoff levels of the methodologies or systems considered adapt to the APPA recommendation for cutoffs, or would an agency be locked into set cutoffs which are contrary to levels established for criminal justice testing?)
- Flexibility in handling initial and confirmatory testing based on how an agency will be using the results. (For example, is onsite testing more adaptable to taking advantage of flexibility in APPA confirmatory practices? A contracted laboratory may be locked into a more expensive and timely practice to meet other certification requirements, which do not necessarily apply to criminal justice drug testing.)
- Reliability of systems used. (For example, does a more formal contracted laboratory setting offer more reliable results than an onsite instrument-based drug testing system being considered, as some laboratory professionals contend?)
- Ability to develop drug trend analysis based on test results of target population.
- Potential dichotomy of the same individual acting as the drug tester and the case supervisor. (For example, does onsite testing have a greater potential for misuse of results because the tester also may be involved with imposing sanctions on the offender when a positive result occurs?)
- Ease in obtaining expert testimony when needed.
- Operational requirements that have financial implications. (For example, all potential budget items required for each system must be examined. This includes personnel, training, equipment, and supplies.)

Each of these issues must be thoroughly examined by the agency before deciding on the methodology or system(s). When the decision is made, it is essential to develop clear and succinctly written policies regarding the testing program and its purpose.

Relationship With Suppliers

5-13. AUTHORITIES REPRESENTING THE AGENCY'S INTERESTS SHOULD MAINTAIN AN INFORMED, PROFESSIONAL, AND UNBIASED WORKING RELATIONSHIP WITH THE SUPPLIER REPRESENTATIVES.

Commentary: Suppliers can offer information about the development of their testing programs and policies to an agency. Very often, suppliers are an excellent training and informational resource, although at times some of them can be too assertive and overwhelming. It is important that agency authorities do not become intimidated by the suppliers. Agency authorities must make it clear that the agency has established its testing needs and does not want to rely on the supplier's interpretation of these needs.

Selection Process

5-14. AN AGENCY SHOULD PREPARE AND DISSEMINATE A REQUEST FOR PROPOSAL (RFP) IN ACCORDANCE WITH AGENCY POLICY.

5-15. THE RFP SHOULD BE SPECIFIC TO THE AGENCY'S DRUG TESTING NEEDS.

5-16. MINIMALLY, THE RFP SHOULD SPECIFY:

- The extent the methodology will meet agency needs.
- The testing equipment and supplies needed to run a testing system.
- The identification of every type of drug to be tested.
- The product specifications, including cutoffs.
- The training to be provided by the supplier, both initial and inservice.
- The maintenance and replacement of equipment.
- The details of purchasing or leasing arrangements.
- The other customers using the methodology or product.

- The information regarding the reliability and accuracy of the methodology or product.
- The computer package for tracking results that may be included.
- The delivery arrangements.
- The other service suppliers who may provide troubleshooting services and 800 telephone numbers.
- The documentation and procedural guidelines needed to testify in the event of a legal challenge.

Commentary: These guidelines also apply to contracting for laboratory services.

5-17. THE AGENCY SHOULD ENSURE THAT THE RFP IS WIDELY DISSEMINATED TO AS MANY ELIGIBLE SUPPLIERS AS POSSIBLE.

5-18. PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE DRUG TESTING PROGRAM SHOULD WORK CLOSELY WITH PURCHASING AUTHORITIES THROUGHOUT THE RFP PROCESS.

Commentary: The purchasing process is usually controlled by a separate division. However, in an effort to maintain control of this process, an agency probation or parole authority should be in contact with purchasing authorities to prevent costly delays.

5-19. THE AGENCY SHOULD ESTABLISH A REVIEW PROCESS AND ENSURE THAT THIS PROCESS IS UNDERSTOOD BY THE SUPPLIERS.

Commentary: It is important to carefully review the received proposals to determine which is most appropriate. Ideally, an established review panel could identify major methodological considerations and then initiate an objective scale or point system to measure every consideration. A review panel could substantiate its objectivity if decisions were based on a heretofore agreed upon objective scale or measurement. Typical questions may include:

- Do the prices fall within the agency's allotted resources?
- Will the supplier furnish training and provide a support system for the testing sites?

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- Is the agency able to supply a tracking system?
 - Are the delivery schedule and costs satisfactory?
 - Does the methodology used by the supplier adequately meet the testing needs of the agency?
 - Are additional investments needed to implement the methodology?

These are some of the basic considerations when reviewing the proposals. The agency will have to carefully justify the reasons for selecting a certain proposal, particularly if it is not the lowest bid received.

To justify its selection, an agency can show previously identified priorities of testing needs and match them with the services provided by the chosen supplier. In addition, the agency may support its methodology choice through the results of its own inhouse study or referenced studies from outside sources.