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Drug-test suit alleges false imprisonment

[By Robert Crowe](#) - Express-News

Five former probationers allege in a lawsuit filed Thursday that they were falsely charged and imprisoned in 2008 after drug tests that Treatment Associates conducted showed false-positive results.

The plaintiffs are suing Treatment Associates owner Jeff Warner, as well as two Bexar County supervisors, for unspecified damages. The Bexar supervisors named in the suit are Bill Fitzgerald, chief of the county's Community Supervision and Corrections Department, and Kathleen Cline, the probation department's director of operations.

According to the suit, filed in the county's 408th District Court, former probationers Michelle Archer, Rosa M. Rocha, Frank Viesca, Raymond Anthony and Jimmie Martinez were jailed after faulty drug tests showed their urine was positive for illegal substances.

"Jailing these individuals who had been successfully serving probation ... was devastating to the integrity of the criminal justice system and destructive to the ability of the system to protect the safety of the public," said their attorney, David Van Os.

The probation department pays Treatment Associates about \$190,000 a year to conduct drug tests of probationers.

Fitzgerald said he could not discuss the litigation: "I have no idea what the allegations are about."

Warner could not be reached for comment Thursday.

The lawsuit alleges the probationers endured such harm as spending three months in jail in one case, while in another a college student missed midterm exams and was forced to drop every course and lose a full semester.

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