

<b>STATE OF ALASKA</b> <b>DEPARTMENT OF</b> <b>CORRECTIONS</b>  <b>POLICIES &amp; PROCEDURES</b>	SECTION: <b>Probation and Parole</b>		PAGE: Page 1 of 5
	CHAPTER: <b>902</b>	NUMBER: <b>902.25</b>	P&P TYPE: <b>Public</b>
	TITLE: <b>Substance Abuse Testing, Sanctions and Treatment</b>		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: <b>03/29/2022</b>
ATTACHMENTS / FORMS: <b>(A.) Voluntary Admission Form</b> <b>(B.) Pretrial, Probation &amp; Parole Urine Test</b> <b>Observation Accommodation Request</b>		AUTHORITY / REFERENCES: <b>AS 33.30.350</b> <b>AS 44.28.030</b> <b>AS 11.81.900</b> <b>22 AAC 05.155</b> <b>DOC P&amp;P 603.01 – Division of Probation and Parole Case Record Management</b> <b>DOC P&amp;P 902.16 – Responses to Conduct on Supervision</b>	

**POLICY:**

It is the policy of the Department of Corrections (DOC) to monitor and test probationers and/or parolees on community supervision for the use of alcohol and/or controlled substances prohibited by the Court and/or the Alaska Board of Parole. Through monitoring and testing, officers shall impose appropriate sanctions and treatment interventions for those probationers and/or parolees who test positive for prohibited substances or have documented alcohol and drug addiction problems.

**APPLICATION:**

This policy and procedure will apply to all field Probation & Parole Supervision Offices, employees, and probationers/parolees on community supervision.

**DEFINITIONS:**

N/A

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## PROCEDURES:

### I. Testing Authority:

- A. Department employees and authorized agents (VPSO, Law Enforcement) may only test probationers/parolees who have specific conditions of supervision that require alcohol and/or drug testing.
- B. Probationers/parolees who do not have a specific condition requiring alcohol and/or drug testing cannot be ordered to submit to testing. A probationer/parolee may voluntarily consent to substance abuse testing. However, a positive result can only be used to recommend treatment or to request substance abuse testing/monitoring/search conditions from the court or parole board. A positive result on voluntary testing may not be used as a basis for revoking probation or parole.

### II. Testing Frequency:

- A. Upon the start of supervision, probationers/parolees with testing conditions shall have an initial baseline test completed.
- B. Probationers/parolees shall then be tested on a random basis as follows:
  1. High/Unclassified: At a minimum once every six months.
  2. Moderate/High; Low/Moderate Low: At a minimum once per year.
  3. Administrative Bank cases are not subject to random testing, unless one of the scenarios as detailed in C. 1-4 exist.
- C. In addition to the above testing parameters, probationers/parolees with testing conditions shall be tested at the discretion of the Probation/Parole Officer if the offender is:
  1. Found in possession of alcohol, illegal or unauthorized substances or paraphernalia associated with drug use.
  2. Reported by reliable sources to have been consuming alcohol and/or using illegal or unauthorized substances.
  3. Suspected of being under the influence of alcohol, illegal drugs, or unauthorized substances.
  4. Is a suspect in or has been arrested for an offense related to drugs or unauthorized substances.

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### III. Testing Procedures:

#### A. General Testing Procedures:

1. Specimen collection may be performed by a department employee or authorized agent (VPSO, Law Enforcement).
2. Employees and authorized agents shall be provided with training for specimen collection and use of on-site testing kits.
3. The probationer/parolee will be asked if any prescription, non-prescription, or illicit medication has been taken in the last 30-days, and the probationer/parolee's response will be noted in the DOC offender management system.
4. Prior to testing, the probationer/parolee may voluntarily admit to the use of alcohol or other drugs by signing a Voluntary Admission (Attachment A). Obtaining a signed Voluntary of Admission from the probationer/parolee does not preclude them from being tested.
5. The probationer/parolee's behavior and conduct shall be noted in the DOC offender management system in any situation where observed intoxication is present.
6. All test results (whether negative or positive) shall be recorded under the substance test tab of the DOC offender management system by the close of business or no later than the close of business the following workday, in accordance with DOC P&P 603.01 – Division of Probation and Parole Case Record Management.

#### B. Urine Testing:

##### 1. General Procedures:

- a. Following the request to provide a urine sample, probationers/parolees will provide a urine sample for testing under the direction of a same gender employee or of the gender indicated on an approved Pretrial, Probation & Parole Urine Test Observation Accommodation Request (Attachment B).
- b. If the probationer/parolee is unable to provide a urine sample on request, the probationer/parolee will be provided with up to 12-ounces of water and will be required to wait until they can produce a sample. A probationer/parolee who fails to provide a specimen within two (2) hours will be considered to have refused to submit a urine specimen.
- c. Employees or authorized agents performing urine testing shall wear personal protective equipment when handling urine specimens to comply with Universal Precautions regarding occupational exposure to blood borne pathogens.

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- d. After a cursory search for weapons or paraphernalia the probationer/parolee will be escorted to a safe area with a toilet or urinal for the purposes of urine testing.
- e. Probationers/parolees may be instructed to wash their hands with soap and water and dry them prior to submitting a urine sample.
- f. The person observing will ensure that an unadulterated urine specimen is deposited into the urine collection container.
- g. After the specimen is collected, the container must be properly secured, and the chain of custody maintained.
- h. Immediately after collection, the urine sample shall be tested on-site to determine if prohibited substances are present.

2. Urine Test Results:

a. Negative Samples:

If the test results are negative, the sample may be disposed of immediately.

b. Positive Samples:

- i. If the sample tests positive for a prohibited substance, the probation/parole officer will address the violations based on the criminogenic needs of the offender and the totality of the circumstances and in correlation with DOC P&P 902.16 – Response to Conduct on Supervision.
- ii. Should revocation action be taken due to the test results, the positive sample shall be properly labeled and stored in a refrigerator or freezer. The chain of custody shall also be recorded. The employee or authorized agent shall document any admission of substance use from the probationer/parolee following the initial screen which reveals a positive test.
- iii. If the sample tests positive and the probationer/parolee denies any use of a prohibited substance and requests a confirmation test, the positive sample shall be properly labeled and stored in a refrigerator or freezer. The chain of custody shall also be recorded, and the sample shall be sent to the laboratory for re-testing and confirmation at the probationer/parolee’s expense.

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- iv. The original chain of custody form will stay with the sample. The specimen should be secured in a manner which does not compromise the integrity of the chain of custody. Care will be taken to ensure the specimen is secure from tampering, adulteration, deterioration, or theft. To the extent possible, the manufacturers or laboratories suggestions regarding refrigeration or freezing of the sample should be followed.
- v. All testing of urine samples sent to a laboratory must be performed by a technician certified to test urine samples for prohibited substances.

C. Alcohol Testing:

1. General Procedures:

- a. Breath alcohol concentration (BrAC) testing may be performed by a department employee or authorized agent.
- b. Employees and authorized agents shall be provided training for (BrAC) testing collection and use of portable breath testing (PBT) devices.
- c. Prior to testing, employees or authorized agents will visually inspect the probationers/parolee's mouth to ensure it is clear. Probationer/parolees must then be observed for 10 minutes in order to ensure they do not place anything in their mouth prior to the BrAC test.
- d. Employees and authorized agents shall prepare the PBT before each test by opening a new mouthpiece and affixing it to the PBT in front of the probationer/parolee.

2. Alcohol Test Results:

a. Negative Samples:

A negative BrAC test shall be recorded in the substance test tab of the DOC offender management system.

b. Positive Samples:

- i. If the BrAC test is positive for a prohibited substance, the probation/parole officer will address the violations based on the criminogenic needs of the offender and the totality of the circumstances and in correlation with DOC P&P 902.16 – Responses to Conduct on Supervision.
- ii. The employee or authorized agent shall document any admission of alcohol use from the probationer/parolee following the BrAC which reveals a positive test.

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