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		Effective: 12/07/2009	Reviewed:
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	Chapter: Intake Classification and Supervision		Subject: Substance Abuse Testing, Sanctions and Treatment

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

AS 11.81.330

AS 11.81.350

AS 33.30.350

AS 11.81.340

AS 11.81.370

AS 44.28.030

AS 11.81.340

AS 11.81.900

Alaska Administrative Code

22 AAC 05.155

Standards for Adult Probation and Parole Field Services

3-3091

3-3125

3-3143

Applicable Forms

902.20A

III. Purpose

To establish policies for substance abuse testing for offenders on supervision in the community.

IV. Application

Division of Probation and Parole

V. Policy

A. An offender's use of illegal or unauthorized substances, including alcohol, presents a serious threat to public safety. The Department of Corrections, Division of Probation and Parole, is committed to reducing drug use among offenders, and to refer offenders with treatment needs to appropriate venues. The department has taken a position of "zero-tolerance" and any usage, possession, or sale of illegal or unauthorized substances will result in an appropriate sanction and/or treatment intervention.

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B. Substance abuse testing provides a positive reinforcement for offenders who remain drug free, provides a means to spot occasional use before an offender falls back into a pattern of regular use, and confirms compliance with a treatment program. The primary form of substance abuse testing will be urinalysis; however, other tests of breath, blood, saliva, skin or hair may be performed.

VI. Procedures

A. Target Population.

1. Selection of Offenders for Testing. Probationers & parolees may be tested for drugs and alcohol. Testing will assist the probation/parole officer in making an evaluation and recommendation to the court of the offender's need for treatment. An offender with Court or Parole Board ordered substance abuse monitoring/ testing conditions will, as resources permit:
 - a. Be referred for substance abuse monitoring;
 - b. Be tested on a random basis at least once every six months unless on minimum supervision;
 - c. Participate in substance abuse monitoring as set forth by the substance abuse program if he or she is participating in a substance abuse treatment program; and
 - d. Be tested at the discretion of the probation/parole officer if the offender is:
 - (1) Found in possession of illegal or unauthorized substances or paraphernalia;
 - (2) Reported by a reliable source to be using illegal or unauthorized substances;
 - (3) Suspected of being under the influence of illegal drugs or unauthorized substances;
 - (4) Is a suspect in or has been arrested for an offense relate~ to drugs or unauthorized substances.
2. An offender that does not have a substance abuse monitoring condition can not be ordered to submit a urine sample. An offender may consent to substance abuse testing, but a positive result can only be used to recommend treatment or to request substance abuse testing/monitoring conditions from the court or parole board. A positive result on a voluntary UA may not be used as a basis for revoking probation and parole.

B. Testing Procedures.

1. Substance Abuse Monitoring Program. As resources permit, the Department will provide a substance abuse monitoring program in each urban community. The program will provide for unscheduled weekly sampling of all clients referred as well as provide for random referrals.
2. Random Testing. The District Supervisor shall maintain a list of offenders on supervision within the District that are subject to substance abuse testing. The District Supervisor shall ensure the minimum standards for testing are

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met. The District Supervisor will be responsible for selecting offenders to be randomly tested, using a computer program or other suitable method. As appropriate, random testing will be conducted at least once every six months.

3. Specimen Collection/Testing. Specimen collection and testing may be performed by an employee of the department, by a third party at the request of the Department employee or by a contractor. In all cases the following guidelines apply:
 - a. Specimen Collection Procedures.
 - (1) The offender will be asked if any prescription, non-prescription or illicit medication has been taken in the last 30 days, and the offender's response will be noted in writing.
 - (2) The offender will be escorted to an area with a toilet or urinal.
 - (3) The person taking the sample will ensure an unadulterated urine specimen is deposited into the, collection container.
 - (4) The collection container must be properly secured and the chain of evidence maintained.
 - b. Inability or refusal to produce a specimen. If the offender is unable to provide a urine specimen immediately, the offender will be required to wait until able to do so. An offender who fails to provide a specimen within a reasonable time (usually within two hours) will be considered to have refused to submit a urine specimen.
 - c. Urine handling, storage and transfer. Universal precautions will be used when handling a urine specimen. Anyone handling the urine specimen will make an appropriate notation on the chain of custody form. The original chain of evidence 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 manufacturer's or laboratory's suggestions regarding refrigeration or freezing of the samples should be followed.
 - d. Testing. All testing of urine samples sent to a laboratory must be performed by a technician certified by the manufacturer to perform testing and handle troubleshooting of the equipment according to the manufacturers established procedures. This does not apply to "on-site testing products".
 - e. Confirmation. The probation officer should, where feasible, attempt to obtain an admission of substance use from the offender following an initial screen which reveals a positive result. If an admission is not obtained the offender has the option of requesting that the urine specimen identified as positive be retested by an approved independent laboratory at the offender's expense.
 - f. Staff Training. The Department will provide training for specimen collection in accordance with manufacturer specifications, including

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hygiene, universal safety precautions and clean up procedures. The District Supervisor is responsible for assuring that every probation officer understands testing procedures prior to collecting a specimen.

C. Interventions.

1. The following treatment and interventions are available and will be utilized alone or in combination to enable a graduated response to an offender's continued substance use depending on the offender's needs and risks to the community;
 - a. If the offender has a history of substance abuse, the case supervision plan should include one or more of the following;
 - (1) Drug education;
 - (2) Individual counseling;
 - (3) Group counseling;
 - (4) Regular and intensive outpatient treatment;
 - (5) A self-help program;
 - (6) 12 step program;
 - (7) Residential placement if the conditions of supervision permit;
 - (8) Other effective efforts to reduce substance abuse.
 - b. If the offender has a history of substance abuse and is diagnosed with a mental or physical disability the case supervision plan should include:
 - (1) Treatment for the dually diagnosed;
 - (2) Clinical treatment.

D. Sanctions.

1. Standards. Positive substance abuse test results will be used to hold the offender accountable and to make a treatment referral if appropriate. Absent unusual circumstances, within 30 days following notification to the probation/parole officer of a positive test, the officer shall discuss the positive test results with the offender and impose one of the following progressive sanctions:
 - a. If the positive test result appears to be an isolated incident and the offender is not in violation of other conditions of supervision, the probation/parole officer should, at a minimum, impose one or more of the following sanctions;
 - (1) Issue a written or verbal warning;
 - (2) Require individual counseling or group counseling;
 - (3) Require self help or other relapse prevention programming;
 - (4) Increase the frequency of counseling;

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- (5) Restriction of activities;
- (6) Require the offender to attend substance abuse education classes.
- b. If the positive test result is an indication the offender is falling back into a pattern of substance use or is part of a series of violations, the probation/parole officer should, in addition to the sanctions imposed under a. of this section, impose at a minimum. one or more of the following sanctions;
 - (1) Loss of travel privileges;
 - (2) Curfew;
 - (3) Increase levels of supervision contact;
 - (4) Return the offender to residential treatment for reinforcement, if the conditions of supervision permit;
 - (5) Pursue violation action;
 - (6) Reassess the supervision level and consider increasing the supervision classification level.
- c. In addition, if the positive test result is part of a series of violations, including one or more serious violations (felony and class A misdemeanor violations), or the offender is deemed to be a high risk to the community because of the substance use, the probation/parole officer should, at a minimum. file a violation report and recommend one of the following sanction
 - (1) Partial revocation;
 - (2) Full revocation.

11/25/09

Date



Joseph Schmidt, Commissioner
Department of Corrections