Drug Testing

Compliance-Based Practices · https://www.gmuace.org/appropriateness-statement-package/compliance-based-practices/drug-testing/

Drug Testing – Evidence-based when paired with incentives (see Incentives Appropriateness Statement) for obtaining negative test results

Summary of the Evidence

- Drug testing on its own or coupled with sanctions is not an evidence-based practice.
  - It has no impact on recidivism.
- Evidence exists that providing incentives for obtaining negative drug test results is effective.
- Drug testing can help determine whether a client has substance-use issues.
- Increased levels of drug testing may lead to increased technical violations.

What Is Drug Testing?

- Drug testing is a practice where POs test the client to determine whether they have taken drugs within a certain period.
  - The amount of time that drug residue remains in a client's system varies by the type of drug ingested, up to 14 days for men and 30 days for women.
- Drug tests can be either ***positive*** (the client has drugs in their system) or ***negative*** (the client does not have drugs in their system).
- Depending on the type of test, drug tests are not always accurate.
  - They can provide false positives or false negatives.

How Is It Used?

- Drug testing is most often done through urinalysis (a chemical test of the client's urine), although other methods (i.e., hair testing, breathalyzer for alcohol) may be used.
  - Urinalysis often requires that officers monitor the client while they urinate to ensure that the client does not provide "clean" urine (urine from another individual who has not used drugs recently) or otherwise tamper with the sample.
  - Some publicly available products may be used by clients to detox (remove traces of drugs) or dilute (reduce the amount of drug residue in the client, allowing them to provide a negative test sooner).
- Drug testing can be done randomly (the client is not told they will be drug tested before receiving the test during a probation office visit) or on a set schedule, such as weekly or biweekly.

How Can It Be Used to Monitor Compliance?

- Drug testing can be used to determine if a client is using illicit substances (e.g., marijuana, cocaine, heroin, etc.).
  - If technical violations are given after a positive test, increased drug testing can lead to increased technical violations.

How Can It Be Used as a Supervision Tool?

- Drug testing can be used to determine whether a client is using narcotics.
- Drug testing with incentives for negative tests can help clients overcome substance-use issues by encouraging clients to attend treatment programming.
  - This may help them achieve other supervision goals, like getting a job or forming positive relationships with others who do not use drugs.
  - Incentives can be prizes (e.g., gift cards, electronics, etc.) or practical resources (e.g., bus passes, cell phone minutes, etc.).

What Are the Costs of Drug Testing?

- Urinalysis tests are relatively cheap.
- If technical violations are given for positive tests, drug testing can bring costs equal to those of the sanctions (e.g., jail time).

What Should You Expect When Using Drug Testing?

Client Outcomes

- No evidence exists that random or scheduled drug testing reduces recidivism.
  - However, evidence indicates that scheduled drug testing with incentives provided for negative tests can reduce client use of narcotics.

Is Drug Testing an Evidence-Based Practice?

- Drug testing with sanctions for positive samples **is not** an evidence-based practice.
  - Evaluations of drug testing (random or scheduled) have not found any impact on recidivism.
- Drug testing with incentives for negative samples **is** an evidence-based practice.
  - Incentive programs that reward clients for each negative drug test provided are effective in reducing substance use.
    - Some studies have found these programs to be effective with young adults, homeless individuals, and people with mental illness.

What Do People Formerly Involved in the Criminal Legal System Think About Drug Testing?

- Individuals who have been involved in the criminal legal system (the “criminal justice” or “legal” system is referred to as the criminal legal system in this document) generally believe that
  - random UAs are sometimes appropriate for all low-risk clients except for those with gang involvement (they believe it is never appropriate for gang-involved clients),

- biweekly and weekly UAs are never appropriate for low-risk clients regardless of subpopulation (except for those with substance use disorder and/or those with two-to-three other criminogenic needs),
- random, biweekly, and weekly UAs are sometimes appropriate for all medium- to high-risk clients regardless of subpopulation (see Introduction for list and description of subpopulations).

Communication That Strengthens the Officer-Client Relationship (Messaging)

- Officers should explain to their clients their intention when performing drug tests.
  - Drug tests should be done to help the client stop using narcotics, not to catch the client breaking the rules and punish them.

- Officers should be aware that many clients may see drug testing as an additional burden and resent it as a result.
  - Drug testing requires the client to come into the probation office. This may require clients to travel long distances (potentially on public transportation) and can interfere with their other responsibilities (personal and professional).
    - Officers should be aware of the impact on the client and try to schedule drug testing at times most convenient for the client.

  - Urinating in front of an officer can be an uncomfortable experience for clients. This should be acknowledged and discussed with the client as a necessary process.
    - If clients are unable to urinate in front of an officer, they should not be immediately sanctioned for this. Instead, officers should discuss with the client how they can be made to feel more comfortable.

- Officers should discuss any test results (positive or negative) from the drug test with the client—negative tests should be acknowledged and affirmed. Positive tests should involve discussions about options to support non-use such as treatment, self-help groups, etc.

Special Considerations When Using Drug Testing With Subpopulations

Gang-Involved

Officers should work with gang-involved clients to determine the extent to which gang-involved peers may contribute to the client's use of substances in the event of a positive drug test.

General Violence

Certain patterns of drug and alcohol use may amplify aggression and violent behavior.

Intimate Partner Violence

Clients with a history of IPV are more likely to report a history of substance use than clients who commit general violence offenses. Officers should be aware of this and consider whether a positive drug test is evidence of an underlying substance use disorder.

Serious Mental Illness

Many clients with serious mental illness also struggle with substance use disorder, and they may use substances to self-medicate. Officers should consider this when deciding how to respond to positive drug tests, since clients with serious mental illness who test positive may not be willfully rejecting the conditions of probation by using drugs and therefore sanctions may have little impact.

Substance Use Disorder

Most people with SUD relapse multiple times before recovery. Clients with SUD may be on the road to recovery even if they relapse and test positive

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