

# Alcohol and Other Drug Testing

On this page

**Please note: Random testing does not start outside the Northern Region until March 2021**

Legislation came into force in May 2017 that allows Probation and Police to test people with an abstinence condition and on a sentence or order and those on bail for alcohol and drugs.

An abstinence condition includes any condition that directs a person not to use alcohol and drugs. Sometimes a judge or parole board will impose an alcohol abstinence condition only or a drug abstinence condition only. Most of the time it is both.

## Why test?

The purpose of testing is to provide probation officers with another tool for managing a person with an abstinence condition on their sentence/order. It can be used in conjunction with the ASSIST, Motivational Interviewing and other tools to allow probation officers to make better decisions about treatment and management.

Testing for alcohol and drugs provides probation officers with valuable information about a person's substance use which allows them to have honest conversations with people about their use and to access support.

Knowing a person's AOD behaviours allows probation officers to take informed and appropriate action based on their risk and need.

For high risk situations testing may provide evidence for necessary enforcement action.

## Who is involved in AOD testing?

### Probation officer

- Assigns people on their caseload to a testing tier in IOMS (either tier 1, 2 or 3)
- Takes action in response to test results

- Decides when to book a reasonable grounds test and organises a time with the AODTCT

## AODTCT

- The central team organises all the tests with the provider
- Sends test results to PO

## The testing provider

- Takes the urine sample
- Sends sample to a laboratory
- Receives results and sends to AODTCT

# AODT Tiers

## How does a probation officer decide which tier a person should be?

Probation officers need to assign each person on their caseload with an abstinence condition to a testing tier based on their risk and AOD need.

### **Tier 1 – reasonable grounds only**

Probation officer makes the decision whether to have a person tested. It can happen any time. It can be at any frequency.

### **Tier 2 – random and reasonable grounds.**

As above but person also put into “randomiser” which selects people for random tests at a lower frequency than tier 3.

### **Tier 3 – random and reasonable grounds.**

As above but person selected at a higher frequency than tier 2.

An algorithm has been designed that calculates an “automatic” testing tier for a person based on their static risk. A person’s “automated tier” is found in Cobra and can be accessed [here](#).

The automation provides a starting point for a probation officer when deciding person’s testing tier but the probation officer needs to make a professional decision taking an holistic look at a person’s use of AOD and how this affects them and others.

**All staff have automatically been enrolled and can access the AODT learning module through My Learning Hub under ‘My Learning Modules’.**

## Testing Tiers Can Change

A probation officer may change a person’s tier at any time. If a person returns multiple “clean” tests the probation officer could consider reducing their tier. If a person’s risk is increasing and the probation officer suspects they are using drugs they might think about increasing their tier.

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## What does “reasonable grounds” mean?

Reasonable grounds means the probation officer needs to have a reason to test a person. For this reason, sound rationale must be included in the decision to test and this recorded in IOMS.

**Here are some bullet points to help shape thinking around reasonable grounds testing:**

- reasonable grounds doesn’t mean a probation officer needs to have evidence to test a person
  - reasonable grounds can be proactive. For example, it can be used if the person is entering a high risk situation and the probation officer wants them to be tested upon return. This can actually be good for those people who are affected by peer pressure if they know they will be tested upon their return from an event/party/other situation where alcohol and drugs might be present
  - it can be used to help a person into employment by providing assurance to potential employers they are clean
  - it can be used to show family/whanau a person is remaining clean and sober
  - a probation officer can book multiple tests over some weeks or months. As long as they have rationale
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## Telling a person about testing

A probation officer needs to tell any person on their caseload with an abstinence condition they might be tested.

Here is the [information sheet](#). It should be included in all induction packs.

- When a probation officer arranges for someone to be tested they must be advised in writing. They can be told on the phone or via text but this needs to be followed up at the earliest convenience with an ITR.
  - The probation officer liaises with the AODTCT about a time/day and then tells the person the date and time.
  - The central team (AODTCT) will complete the ITR. The probation officer just needs to print it from IOMS.
  - While the probation officer can book a test at any time the person should not have more than 48 hours notice of a test. This is so they have less time to change their AOD behaviours and means the results of the test represent their actual use.
  - The probation officer should only book a test with the AODTCT within 24 hours of the appointment (an urgent test) if there are imminent concerns about risk related to a person's AOD use. There is an additional cost for urgent tests.
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## The Test

Testing happens at permanent testing sites or in testing vans that attend at the Community Corrections site.

### How does a urine test work?



The tester (who will be the same gender as the person being tested identifies) ensures the following steps are completed:

- confirm the identity of the individual (using the Refer Online Request or photo ID provided by the them)
- talk the person through their **Chain of Custody** form, including asking them if they are on any medications, and the process for providing a urine sample.
- advise the person that they will be indirectly observing them as they pee into the collection container.
- ask them to remove any excessive or baggy exterior clothing.
- visually check the person for prosthetic or other devices designed to carry “clean” urine and urine substitutes.
- seek their consent for taking of the sample (signature and date)
- take the sample and label it with the person's details
- seek their signature that the sample was labelled and sealed in their presence (signature and date)
- advise the AODTCT within two hours if a urine sample was not provided for reason
- send the sample to the laboratory for testing.

**Note:** the testing is “monitored observed”. This means the person “the donor” provides a urine sample into a container in the presence of the technician but that the technician is not directly observing them as they pee.

#### What if the person has a prosthetic or device to cheat the testing process?

If the individual has a device, the collection process is stopped and this is recorded as a failed test. This is non-compliance and the probation officer will decide the action to take in response.

#### What if the person refuses to be tested?

The tester will not compel the individual to provide a urine sample if they refuse or if they are aggressive. In this instance the AODTCT would be advised that no urine sample was provided.

If the person chooses not to provide a sample or will not sign of any part of the consent process, this is non-compliance and the probation officer will decide the action to take in response.

#### After the sample is tested

After a person provides a sample it is sent away to a laboratory to test. Results are returned no later than **72 hours** from the time of the test. The results are emailed by the AODTCT to the probation officer. Results will say positive or negative. If positive the level of the substance found will also be provided.

There are many reasons for the levels so probation officers should not try to interpret the results themselves. For instance, they could change based on people’s food/water intake, body weight, metabolism, time since they used, interaction between drugs. Probation officers should not use the amounts to inform any action they take.

#### Responding to non-compliance

Non-compliance with an abstinence condition is no different to other special conditions.

A person might test positive for substances or they might not attend the test.

The probation officer is to use their professional decision making to decide what action is most appropriate for the non-compliance.



## What is a B Test?

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If a test is positive, an individual has the right to request a second test of their urine sample. This is called the B Test.

The AODTCT will provide the probation officer with the ***Notice of positive urine result*** that advises that:

- The urine test returned a **positive** result **or there is evidence that the sample has been tampered or contaminated in any way.**
- The person may choose to have their B sample analysed at their own expense by an approved laboratory certified to conduct the testing identified in the Notice. Payment for the test and any costs to transport the B sample must be received by the approved laboratory before the sample is sent for analysis.
- They have 2 working days from the time they receive the Notice to elect to have the B sample independently analysed
- They need to confirm this in writing by completing the ***Notice of intention to have urine 'B sample' re-tested*** and provide this to their probation officer
- They have 21 days after the close of the 2 working days to provide the result of the analysis to their Probation Officer

### Recognising Compliance

For some people, compliance with an abstinence condition might be very difficult. It might be the first time in their adult lives where they have practiced abstinence.

It is important for compliance with an abstinence condition to be recognised and for people to receive positive feedback and affirmation.

Compliance with their abstinence condition might be an incentive for a testing tier to be reduced. For example, a person subject to random testing (Tier 2 or 3) could be recognised for producing a number of negative test results, by being changed to Tier 1 reasonable grounds testing.

A negative test could also be used by a person to show an employer or to prove to a partner/friend/family member that they are drug and alcohol free.

## Recommending an abstinence condition

Considerations for including recommendations for abstinence conditions:

- Was alcohol and/or drug use a factor in the offending?
- Has alcohol and/or drug use been a factor in previous offending?
- Is the person physically dependent on alcohol/drugs?
- What programmes are available to support the person should they receive an abstinence condition?
- How do drugs and/or alcohol impact the person's risk of reoffending and/or harm?
- How could an abstinence condition support the person's ability to remain offence free?
- How might an abstinence condition support any case-work with the person?
- Are any specialist reports available, e.g., Alcohol and Drug Comprehensive Assessment, DTU, MIRP, Psych?
- Is there an identified victim of the offending? Where are they?
- What is the outcome of the ASSIST?
- What programmes or interventions has the person completed?

When deciding whether to include a recommendation for an abstinence condition a probation officer should consider what rehabilitative programmes, interventions or maintenance would support the person to abstain from alcohol and drug use.

This could include brief interventions for those less dependant on alcohol or drugs. A comprehensive list of programmes is available in the [interventions catalogue](#).

**Clear rationale is to be provided for any recommendation of abstinence conditions.**

Further Information

Legislation

- The AODT Coordination Team, based in National Office, is your key contact for queries relating to testing: [AODTCT@corrections.govt.nz](mailto:AODTCT@corrections.govt.nz) or **0800 4 AODTEST**
- Alcohol Detection Anklet Guidance
- AODT Information Sheet
- ADA Information and Acknowledgement Booklet

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# Important information about drug and alcohol testing

For people with a special condition not to use alcohol or drugs

December 2020

You may be tested for alcohol or drugs.

This could happen if a judge or parole board has told you not to use alcohol or drugs.

**Here's what you need to know:**

Your probation officer might ask you to take an alcohol or drug test.  
They will tell you what to do.



Probation Officer

Please take a test for alcohol or drugs.



You

Taking the test will help you show that you are clean and sober.



You

I took the test. It shows I am sober.

Well done, I can see you are doing well.



Probation Officer

If you are asked to take a test, you must do it. If you don't, your probation officer will decide what happens.



You

Not taking the test could mean...

- You need help to stay sober
- More report ins
- Breach

**We can test you for all drugs and alcohol including:**

- Beer
- Wine
- Weed/cannabis
- Synthetics
- Heroin
- MDMA
- Liquor (gin, vodka, rum etc)
- Meth
- Cocaine
- Prescription drugs that have not been prescribed to you by a doctor
- Anything else

If you want help to stay sober, you can talk to someone. You can talk to your probation officer, your whānau, or a counsellor.



You

I want to stay sober. Who can help me?



Probation Officer



Your whānau



A counsellor

**How?** Call the RecoveRing support line 0800 678 789.  
**When?** Anytime.  
**How?** It's free and private.

**If you are asked to take a test**

What will happen?



The test will take place at a testing site or a van like this:



## On the day of the test...

### You must not:

- drink lots of water or other liquid. If you drink too much, you will need to take another test.



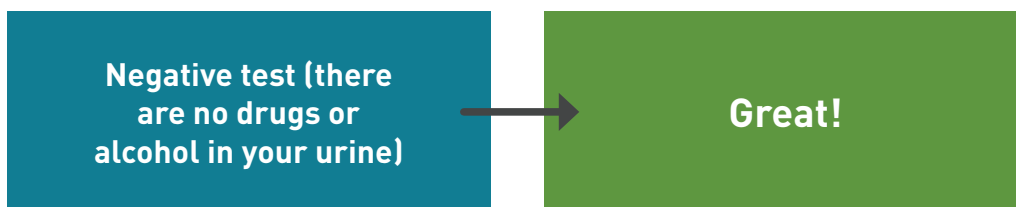
### You must:

- go to the testing van
- show your ID (passport or driver's license). If you have no ID please talk to your probation officer who will help you get some.
- sign a form to show you agree to take the test
- show you are not hiding anything – empty your pockets, turn around, remove baggy clothes
- give a urine sample (wee in the cup)

## After the test...

After around 3 days, your probation officer will tell you the result.

If the result is **negative**, it means you were clean and sober.



If the result is **positive**, it means there were drugs or alcohol in your body. Your probation officer will talk to you about what happens next.

