

Corrections increasing alcohol and drug testing of people serving community sentences – and introducing random testing in three regions from 1 March 2021

Introduction

From May 2017, the Department of Corrections began alcohol and drug testing for people serving community sentences or orders who also have a condition to abstain from alcohol and/or drugs.

Corrections trialled urine testing and alcohol detection anklets. Different frequencies were also trialled – including random testing – in its ‘Northern’ region (approximately everywhere north of the Bombay Hills to Kaitaia). The Northern Region trial concluded in 2019, and testing continues in this region on a ‘business as usual’ basis.

In the rest of the country (i.e. everywhere outside the Northern Region) there has been no random testing, though probation officers have been sending people for ‘reasonable grounds’ tests.

What’s changing and when?

Corrections is now increasing testing in those areas outside the Northern Region, and introducing random testing to those areas as well.

This will be done using a phased approach:

1. From 1 December 2020, probation officers in the Corrections ‘Central’, ‘Lower North’ and ‘Southern’ regions are being encouraged to step-up the use of ‘**reasonable grounds**’ tests (i.e. tests required because the probation officer has reason to believe a person with an abstinence condition is at risk of using alcohol or drugs).
2. From 1 March 2021, people with an abstinence condition in the Corrections ‘Central’, ‘Lower North’ and ‘Southern’ regions who are deemed higher risk or higher need by their probation officers may also be selected at **random** for an alcohol or drug test.

The process

A judge may impose an abstinence condition as part of a person’s sentence or bail conditions, but the judge does not decide what type or frequency of testing the person should be subject to. Corrections staff decide that based on an offender’s risk level and needs. The same applies to the NZ Parole Board setting parole conditions.

Corrections staff use professional decision-making when deciding the appropriate type and level of testing for offenders with abstinence conditions. Staff also decide what action to take if a person returns a positive test result; staff may take breach action, or may refer the person for additional treatment, or take other action.

Testing of people with abstinence conditions assists Corrections staff in targeting rehabilitation interventions, mitigating risk, and holding people to account.

However, a person receiving a negative test result can use the result for other purposes, for example to show an employer that they are drug free.

Testing and monitoring services are provided by external suppliers. A centralised Corrections Alcohol and Drug Testing Coordination Team acts as the point of contact between these providers and frontline probation officers.

Background: The 2017 Amendment Acts

The Drug and Alcohol Testing of Community-based Offenders, Bailees and Other Persons Legislation Bill was passed by Parliament on 8 November 2016. It was divided into the following pieces of legislation:

- Bail (Drug and Alcohol Testing) Amendment Act
- Parole (Drug and Alcohol Testing) Amendment Act
- Sentencing (Drug and Alcohol Testing) Amendment Act
- Public Safety (Public Protection Orders) (Drug and Alcohol Testing) Amendment Act
- Returning Offenders (Management and Information) (Drug and Alcohol Testing) Amendment Act.

The Amendment Acts came into force on 16 May 2017.

The Acts allow Corrections and Police to test or monitor any person (on bail, on parole or subject to a non-custodial sentence or order) with an abstinence condition.

Therefore, since February 2017, when Corrections staff complete Provision of Advice to Courts (PAC) and Parole Assessment Reports (PAR), they alert the people in their care that, if they have an abstinence condition, they may be subject to testing.

For further information

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