

Detainee Alcohol and Drug Testing Policy

Essential Summary

This policy provides the circumstances and conditions under which detainees are drug tested for the presence of alcohol and/or drugs.

This policy complies with the *Children (Detention Centres) Act 1987* and the *Children (Detention Centres) Regulations 2015*.

Random and targeted testing for alcohol and or drugs is conducted in all NSW juvenile justice centres.

Testing in this context refers to testing breath, saliva and/or urinalysis.

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1 Scope

This policy applies to all operational employees within Juvenile Justice NSW (JJ).

This policy and associated guidelines are intended for use in conjunction with other relevant operational procedures and guidelines.

2 Purpose

The purpose of this policy is to improve the safety and security in centres by reducing the likelihood of intoxicated detainees and/or drugs entering centres and:

- ensure compliance with the Children (Detention Centres) Regulation 2015 when conducting alcohol and/or drug testing of detainees in juvenile justice centres (JJC)
- promote a safe and secure environment for detainees and workers
- identify the risks and needs of detainees relating to alcohol or drug abuse

3 Definitions

Word/Term	Definition
Adulterated sample	A sample not considered normal by the laboratory
Authorised Testing Officer	An employee who has been trained in the correct procedures for testing detainees for alcohol or drug use.
Detainee	A young person held in a NSW juvenile justice centre on remand, or subject to a control order as defined in Children (Detention Centres) Act 1987
Drug	(a) a prohibited drug or prohibited plant within the meaning of the <i>Drug Misuse and Trafficking Act 1985</i> , or (b) a substance listed in Schedule 2, 3 or 4 to the Poisons List under the <i>Poisons and Therapeutic Goods Act 1966</i> , or (c) any derivative of a substance referred to in paragraph (a) or (b), or (d) any mixture containing such a substance or derivative.
Negative result	Test results indicate no alcohol or prohibited drug detected in the sample
Non-negative saliva result	Test result indicates the possible presence of prohibited drugs in the saliva sample
Positive urinalysis result	Test result confirms the presence of particular drug/s were detected in the urine sample by the laboratory
Presumptive result	Indicates an illicit substance may be present
Random testing	Detainees are randomly selected for testing
Risk assessment	An assessment carried out to determine the risk of violence or harm to the detainee and other persons
Target drug testing	Detainees tested when they fall within the criteria for target testing
Urinalysis	Analysis of a urine sample conducted by the laboratory to determine the presence or absence of prohibited substances Urinalysis tests for; Amphetamines, Benzodiazepines, Cocaine, Methamphetamines, Opiates, THC (Marijuana) and Methadone

4 Principles for testing detainees

Testing for alcohol and/or other drugs (AOD) is conducted in JJC's;

- all detainees regardless of age or legal status can be asked to provide a breath test and / or a sample of saliva and/or urine for drug testing
- detainees will be informed of the testing processes and consequences of positive test results before testing
- a detainee's individual circumstances and needs are considered and catered for where possible
- testing will be conducted in a way that protects the rights and dignity of the detainee
- testing must not be used to harass, intimidate, bully or discriminate against any detainee
- coercion and/or force will not be used to request a test or to collect a sample for testing
- information on alcohol and drug testing is confidential
- only trained testing officers may conduct alcohol or drug testing of detainees

5 Test types

5.1 Breath test

Breath testing is used to indicate the presence of alcohol on a detainee's breath. Suspicion that alcohol has been consumed is not required for a breath test to be conducted.

The testing officer may be any gender.

The breath test results may be used as evidence that a detainee has consumed alcohol.

When a breath test indicates the presence of alcohol, the detainee should be re-tested in 30 minutes.

5.2 Saliva test

Saliva testing is used to identify potential drug use. The authorised testing officers collecting a saliva sample may be of any gender.

Saliva testing provides a presumptive result. A non-negative result indicates drug use, but cannot be used as evidence of illicit substance use.

Detainees who return a non-negative presumptive result to a saliva test are required to provide a urine sample.

5.3 Urinalysis test

Urinalysis testing is used to identify and confirm the presence of drug/s following a non-negative presumptive saliva test.

Only authorised testing officers will conduct urinalysis testing.

Urine samples must be collected in a private area away from public view. Under no circumstances will the authorised testing officer watch a detainee provide the sample.

The authorised testing officer who has sight of the detainee providing the sample must be of the same gender as the detainee.

An analysis of the urine sample will be conducted by the laboratory to determine the presence or absence of any prohibited substance/s.

When a urinalysis sample is tested and the laboratory reports an adulterated sample a second sample must be collected and sent for testing.

6 Testing detainees

Detainees can be randomly selected or target tested for alcohol and/or drug use.

6.1 Random testing

Random testing is conducted without suspicion that the detainee is under the influence of alcohol or another intoxicating substance.

A detainee must be in custody for 42 days or more before they can be random tested for alcohol and/or drug use. The Intelligence Support Officer, Security & Intelligence Unit (S&I) will generate lists of detainees for random drug testing.

Random testing will be completed at the centre within seven days from the creation of the test list.

6.2 Target testing

A Centre Manager or their delegate can approve target testing.

The Serious Young Offender Review Panel (SYORP) may request target testing.

Detainees may be target tested following day and/or overnight leave.

Detainees who attend work release, external education or another external leave program may be target tested on return to the centre.

Target testing may also be conducted when there is a suspicion of alcohol or drug use. Any or all of the following, may indicate drug use;

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

7 Consequences

When a detainee refuses to provide a sample for alcohol or drug testing or returns a non-negative or positive test result, consequences will apply. Consequences will be determined at the centre where the detainee resides.

The detainee will not be eligible for community activities, day leave and overnight leave for a period of one month from the date the test result is confirmed.

The detainee will be managed within the case management process and an immediate risk assessment of program participation conducted.

Subsequent non-negative or positive test results may lead to further sanctions, determined by the centre manager.

The detainee is also guilty of misbehaviour and a punishment may apply.

8 Administration costs

Delivery charges for same day, overnight or weekend delivery of samples will be costed to the relevant centre.

Samples that are not tested due to incorrect paperwork or packaging of samples will be costed to the relevant centre.

9 Authorised testing officers

Juvenile justice officers must be trained in the administering of tests and authorised by the centre manager or their delegate.

10 References

Policies	Code of Conduct Case management Objective Detainee Classification Detainee Leave
Procedures	Supervision of Detainees Objective Detainee Classification Misbehaviour Incident Reporting Breath Testing Detainees Saliva Testing Detainees Urine Testing Detainees
Legislation	Children (Detention Centres) Act 1987 Children (Detention Centres) Regulation 2015 <ul style="list-style-type: none">• Part 7 Maintenance of Order , Division 2 testing for alcohol or drugs• Part 8 Misbehaviour• Schedule 1 Misbehaviour

11 Document information

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12 Document history

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