

Dialing Back Drug Testing for Individuals on Supervised Release

There are tens of thousands of people under community supervision in Minnesota and most are required to prove they are drug-free. Drug testing is a common feature of supervised release but it can make successful reentry less likely if not used smartly.

- Mandatory drug tests often do not serve a supervised individual's specific needs or respond to the nature of a person's conviction.

- Testing sites are usually open during business hours, which means that a supervised individual must leave work or find emergency child care.

- Random testing, especially when the urinalysis must be done in the presence of an agent, hinders the ability for agents to build rapport with their clients.

- There is scant research on the effectiveness of drug testing in actually supporting people or producing positive outcomes, especially for those without a clearly identified, underlying need. Instead, a recent study shows that individuals on probation were fifteen times more likely to die from opioid overdoses than the general population, despite mandatory drug tests (see: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9394548/)

The bill language below right-sizes drug testing, encourages steady employment, extends constitutional protections to supervised individuals, and strengthens the relationship between agents and their clients. It shifts emphasis from catching failure to facilitating successful completion of supervised release.

244.05 SUPERVISED RELEASE TERM.
Subd. 2.Rules.

(d) a supervised individual shall submit to a urinalysis test as instructed by a supervision agent only if there is reasonable suspicion of illicit drug use and the source of the reasonable suspicion is documented in the supervision authority's case management system