

# Research in Brief

ROBINA INSTITUTE  
OF CRIMINAL LAW AND CRIMINAL JUSTICE

UNIVERSITY OF MINNESOTA

May 2020

## Drug Testing as a Condition of Supervision

### KEY POINTS

- Despite the common practice of drug testing as a condition of supervision, there is no research that focuses on the effectiveness of drug testing on its own in reducing recidivism and drug use.
- Increased drug testing as part of an Intensive Supervision Program (ISP) approach does not reduce re-offending but does increase the detection of technical violations and revocations.
- Random drug testing alongside swift, certain, and fair sanctions shows evidence for reducing recidivism and drug use in the short-term but shows no benefit once the individual goes back to supervision as usual.
- Drug testing works well as a way to monitor compliance with supervision conditions, but there is no evidence that it reduces re-offending or drug use when used apart from other supervision practices.

### Policy and Purpose

Drug testing is used to monitor drug use among individuals on probation and parole supervision with the goal of deterring the use of illegal substances, and consequently, reducing criminal re-offending. In the U.S., drug testing is a standard supervision condition. A survey of parole conditions conducted in 2008 found that one of the most common conditions ordered was related to restrictions of possession and use of controlled substances.<sup>1</sup> The courts and paroling authorities assign drug testing as a supervision condition in part because drug use is illegal and there are reliable methods to monitor drug use (i.e., urinalysis testing), and also because of its established relationship with criminal activity. Gendreau and colleagues identify substance abuse as a predictor of reoffending and this area is highlighted as a criminogenic need among correctional populations.<sup>2</sup> More recent research suggests that this relationship is only present for “hard drugs,” such as methamphetamines, and does not persist for individuals who test positive for cannabis alone.<sup>3</sup> Though drug tests may alert supervising officers to substance use issues, supervision agencies do not always consider it their primary function to initiate a referral into drug treatment. Instead, drug tests most often function as a means of measuring adherence to supervision conditions (i.e., abstaining from drug use).

When assigned as a condition of supervision, individuals on supervision are either called in to take a drug test on a random or pre-scheduled regular basis (e.g., during every office visit). There is no standard or agreed upon requirement for the frequency of drug testing that supervision agencies administer. Within agencies, the frequency is often governed by the individual’s risk and needs assessment and their supervision level. Individuals who test positive for drug use are often sanctioned by their supervising officer; however, the nature of the response can range widely from a verbal reprimand up to revocation of supervision. Missing a drug test can lead to similar consequences.

Drug testing is typically used to reduce drug use and recidivism as part of a deterrent approach, whereby random drug tests are used to monitor compliance and a positive drug test is associated with sanctions. Supervision officers may also use drug testing as a sanction, where increased drug testing is used alongside increased supervision (i.e., contacts, treatment, etc.) to monitor individuals who may have violated their supervision.<sup>4</sup> More recently, probation and parole agencies have implemented “swift, certain, and fair” models that aim to deter drug use and recidivism by pairing immediate, but moderate, sanctions with every failed drug test. However, it should be noted that most correctional agencies do not outline a clear purpose for the use of drug testing, and none examine the effect of drug testing – apart from other supervision practices – on reducing recidivism or drug use.

---

## Summary of Research

**D**espite the frequency with which drug testing is assigned as a condition of supervision, evaluations of its effectiveness as a mechanism to reduce drug use and recidivism are lacking. Drug testing is often evaluated as part of a package of multiple supervision conditions or program requirements; thus, it is difficult to determine whether, or how much, drug testing is contributing to the outcomes. Evaluations of drug testing for people on probation and parole are limited to studies examining variations of intensive supervision monitoring (i.e., reporting requirements along with drug testing) or the use of swift, certain, and fair sanctions as responses to failed drug tests (e.g., HOPE-like programs).<sup>1</sup>

---

Intensive Supervision Programs (ISP) are probation and parole programs that rely on close monitoring and rigorous enforcement of conditions such as frequent parole officer contacts, regular drug testing, and required participation in treatment or educational programs. ISPs became common in the 1990's as an alternative to incarceration in order to monitor individuals classified as high risk to reoffend; however, they were often used for more general supervision populations. A large-scale, randomized controlled trial of 14 ISPs showed that there were no differences in arrest or re-conviction rates between those who received ISP as compared to those who received probation/parole as usual, and that ISP participants were more likely to receive technical violations and more likely to return to incarceration.<sup>5</sup> A more recent evaluation of an ISP focused on its effectiveness in reducing drug use and recidivism for higher-risk individuals. Hyatt and Barnes found no differences in new crime (i.e., any new criminal charges) or time to new crime between two groups of men randomly assigned to either probation as usual (i.e., once a month reporting, urinalysis screenings when ordered by the judge or with cause, and no out-of-office contacts) or ISP supervision - which included twice-per month drug testing and more frequent in-office and out-of-office contacts.<sup>6</sup> They also found that individuals on ISP were almost twice as likely to be revoked and had higher rates of absconding and tech-

nical violations. In the ISP group, positive drug tests were listed as the justification for revocation at 10 times the rate of the standard probation group, suggesting that the frequency of drug testing in the ISP group contributed to the differences in the revocation rates.

**Studies from Petersilia and Turner and Hyatt and Barnes demonstrate that increasing the intensity of supervision, which includes increasing the frequency of drug testing, does not reduce recidivism.<sup>7</sup> Instead, it increases the detection of technical violations and increases rates of incarceration, partially through increased drug testing.** However, the direct impact that increased drug testing has on these outcomes is unclear since ISP studies examine a package of supervision techniques, including increased reporting requirements, drug testing frequency, and other monitoring and interactions imposed by the supervising agency in unison.

In more recent years, many probation and parole departments across the country have adopted programs inspired by Hawaii's Opportunity Probation with Enforcement (HOPE) model, which operates on the principles of swift, certain, and fair (SCF) sanctioning. The main premise of SCF programs like HOPE is the application of regular random drug testing coupled with sanctions that are delivered

---

<sup>1</sup> Research on drug courts provides insight into drug testing, but since these studies consider the role of drug testing while someone receives both supervision and treatment specific to a drug court setting, that research is not examined here. Please review our brief on drug courts for more information. ■

immediately (i.e., the violation hearings are generally held within 72 hours) and with certainty in order to deter future drug use. Expectations for the program are made clear by the judge and the sanctions are designed to be consistent but not too severe (e.g., 3-day jail stay for a positive drug test). An early evaluation from 2009 demonstrated promising results of the original HOPE program in comparison to probation as usual.<sup>8</sup> However, since then, several high-quality randomized controlled trials have found mixed results.

A recent evaluation by Lattimore and colleagues of four sites implementing “HOPE-like” models found that, despite “good” to “excellent” adherence to the HOPE principles, the HOPE participants *did not* show reductions in the average number of arrests, proportion arrested, time to arrest, or reconviction when compared to individuals who received probation as usual.<sup>9</sup> More concerning, two sites showed higher rates of revocation for HOPE participants. The authors did find a reduction in drug-related arrests and drug offense reconviction for HOPE participants at one site, which the authors hypothesized was due to the site’s better adherence to the HOPE model and greater reliance on inpatient drug treatment.

Delaware’s “Decide Your Time” (DYT) swift, certain, and fair program used frequent, random drug testing, delivered sanctions swiftly, and also included treatment referrals for individuals serving intensive supervision sentences. In a randomized controlled trial, the research team did not find any significant differences in recidivism between the DYT group and the control group on various measures of recidivism, such as new arrests and violations of probation, at 6, 12, and 18 months out.<sup>10</sup> There were also no reductions in drug use for DYT participants as measured by failed drug tests. The results from this site demonstrate similar null findings found in the Lattimore and colleagues’ evaluation, casting doubt on the effectiveness of swift, certain, and fair sanctions to reduce drug use and recidivism.

However, two other studies found promising results for short-term outcomes related to the use of swift, certain, and fair sanctioning. Grommon and colleagues examined the effectiveness of randomized drug testing and immediate sanctions in reducing drug use and recidivism in a group of parolees who had a history of substance abuse issues.<sup>11</sup> At the 6-month mark, they found that individuals who were randomly assigned to the experimental group with frequent, random drug testing, instant results, and a 3-day jail stay for each positive test experienced fewer positive drug tests and had lower rates of re-arrest for a felony offense than the two control groups. The first control

group, which received random drug testing but delayed sanctions, had the highest rates of positive drug tests and re-offending, followed by the second control group, which was modeled as standard parole practice (no random drug testing or immediate sanctions). However, one year after individuals returned to parole supervision as usual, the likelihood of rearrest was similar across all three groups. Hamilton and colleagues’ large-scale evaluation of Washington State’s swift, certain, and fair program also found a reduction in criminal re-offending at the 12-month mark.<sup>12</sup>

**The results of these studies support the use of randomized drug testing with immediate results and sanctions to reduce relapse and re-offending in the short-term. However, there is no evidence that this effect persists in the long-term.**

**Taken together, the results of these studies indicate that randomized drug testing combined with swift, certain, and fair sanctions may reduce drug use and criminal activity early on while individuals are subject to the program’s requirements.** However, these studies also demonstrate that this type of approach does not reduce reoffending after the individual goes back to supervision as usual. Therefore, a policy of random drug testing with swift, certain, and fair sanctions should not be viewed as a single solution to reduce drug use and recidivism. Instead, it might be used in conjunction with other evidence-based practices, such as the application of incentives to reinforce positive behavior and providing treatment for individuals with needs related to substance abuse issues.

Drug testing is a standard condition of supervision, yet, there is no research evaluating the effectiveness of drug testing on its own as a means to reduce drug use and re-offending for individuals on probation and parole. Numerous studies of high research quality have reviewed the use of drug testing in conjunction with intensive supervision monitoring and, separately, in conjunction with swift, certain, and fair sanctions. There is strong evidence that increasing the monitoring of supervisees through increased reporting and drug testing *does not* reduce re-offending, but instead increases the detection of technical violations and results in a greater number of jail stays and revocations. There is also strong evidence that drug testing combined with swift, certain, and fair sanctions reduces re-offending and drug use in the short-term; however, this effect does not persist once the individual is no longer subject to this type of monitoring. **Drug testing appears to work well as a way to monitor clients for non-compliance, but probation and parole agencies should question their reliance on drug testing as a means to reduce recidivism and drug-use – particularly in the long term.**

## Endnotes

- <sup>1</sup> Travis III, L. F., & Stacey, J. (2010). A half century of parole rules: Conditions of parole in the United States, 2008. *Journal of Criminal Justice*, 38(4), 604-608.
- <sup>2</sup> Gendreau, P., Little, T., & Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology*, 34, 575-607; Andrews, D. A. & Bonta, J. (2010). *The Psychology of Criminal Conduct* (5th ed.). New Providence, NJ: LexisNexis Matthew Bender.
- <sup>3</sup> Hicks, W. D., Holcomb, J. E., Alexander, M. A., & Clodfelter, T. A. (2020). Drug Testing and Community Supervision Outcomes. *Criminal Justice and Behavior*, 47(4), 419-436.
- <sup>4</sup> Torres, S. (1998). A continuum of sanctions for substance-abusing offenders. *Fed. Probation*, 62, 36.
- <sup>5</sup> Petersilia, J., & Turner, S. (1993). Intensive probation and parole. *Crime and Justice*, 17, 281-335; Turner, S., Petersilia, J., & Deschenes, E.P. (1992). Evaluating intensive supervision probation/parole (ISP) for drug offenders. *Crime and Delinquency*, 38(4), 539-556.
- <sup>6</sup> Hyatt, J. M., & Barnes, G. C. (2017). An experimental evaluation of the impact of intensive supervision on the recidivism of high-risk probationers. *Crime & Delinquency*, 63, 3-38.
- <sup>7</sup> Petersilia & Turner, 1993; Hyatt & Barnes, 2017.
- <sup>8</sup> Hawken, A. & Kleiman, M. A. R. (2009). *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE [No. 229023]*. Washington, DC: National Institute of Justice.
- <sup>9</sup> Lattimore, P., MacKenzie, D., & Zajac, G. (2016). Outcome findings from the HOPE demonstration field experiment: Is swift, certain, and fair an effective supervision strategy? *Criminology & Public Policy*, 15, 1103-1141.
- <sup>10</sup> O'Connell, D. J., Brent, J. J., & Visher, C. A. (2016). Decide Your Time: A randomized trial of a drug testing and graduated sanctions program for probationers. *Criminology & Public Policy*, 15, 1073-1102.
- <sup>11</sup> Grommon, E., Cox, S. M., Davidson II, W. S., & Bynum, T. S. (2013). Alternative models of instant drug testing: evidence from an experimental trial. *Journal of Experimental Criminology*, 9, 145-168.
- <sup>12</sup> Hamilton, Z., Campbell, C. M., van Wormer, J., Kigerl, A., & Posey, B. (2016). The impact of swift and certain sanctions: An evaluation of Washington State's policy for offenders on community supervision. *Criminology & Public Policy*, 15.

The strength of the evidence reviewed in this brief is assessed according to our Evidence of Assessment Criteria and Hierarchy of Study Design, which are posted online: [robinainstitute.umn.edu/research-brief](http://robinainstitute.umn.edu/research-brief).