SOUTH DAKOTA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1400-12	PAGE NUMBER 1 OF 4
		DISTRIBUTION:	Public
		SUBJECT:	Parole Drug Testing, Sanctions, and Treatment
RELATED STANDARDS:	None.	EFFECTIVE DATE:	September 01, 2026
		SUPERSESSION:	1/15/2026
DESCRIPTION: Parole Services	REVIEW MONTH: August	NICK LAMB SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to utilize offender drug testing to reduce the likelihood of substance use by parolees.

II. PURPOSE

The purpose of this policy is to establish and outline guidelines for the Parole Services Division with administering drug tests such as urinalysis and/or breath analyzer testing. Such testing is completed to detect the unauthorized use of controlled substances, marijuana, and alcohol by parolees. Parole Agents and Regional Supervisors are authorized to conduct such testing, impose the necessary sanctions, and initiate the parole violation process, when necessary and in the interest of safety to the public and the parolee.

III. DEFINITIONS

Oral Saliva Test (Mouth Swab):

A lateral flow chromatographic immunoassay for qualitative detection of multiple drugs and drug metabolites in oral fluid.

Targeted Testing:

A drug test administered with the offender's prior knowledge (i.e. – twice weekly UAs scheduled at the office).

IV. PROCEDURES

1. Targeted and Random Testing:

A. Drug testing and/or portable breath testing may be conducted in the following situations:
   1. When a parole agent has reason to believe or some evidence to support a parolee has used, has been around, has been around others known for using, or is in the possession of any intoxicant or drug not prescribed by a medical provider.
   2. As a deterrent from continued use when a parole agent has reason to believe the parolee has been using.
   3. When information is received from a reliable source that a parolee is under the influence of, or has recently used alcohol, marijuana, or other unauthorized controlled substances.
   4. When requested by law enforcement, based on law enforcement having reasonable suspicion that the parolee may have ingested a controlled substance, marijuana, or alcohol.
   5. When a parolee returns from a temporary absence or travel permit to an area outside the supervising parole agent's area.

6. When a parolee is residing at or in a program through a contract housing facility, community treatment provider, or halfway house, as part of the contract housing facility, treatment provider, or halfway house initiatives, or when directed by a parole agent or regional supervisor.
7. Drug testing will be done at least once a month for the first three (3) months of supervision for offenders releasing to parole supervision at an intensive or maximum supervision with an active drug-related sentence.
8. Extended confinement offenders will have a drug test completed the first three (3) months of supervision of extended confinement, if it is reasonable for the offender to complete such testing (i.e. drug testing may not be feasible at some placements). Once the offender transitions to parole supervision, the agent can determine if the offender needs continued once a month testing as outlined in bullet point #7 above.

B. When a drug test is completed for any reason listed above and is unannounced and unscheduled to the parolee, these will be recorded in the offender management system as a Random Test on the Substance Testing screen.

C. When a drug test is conducted for any reason listed above and is scheduled/known to the parolee, these will be recorded in the offender management system as a Targeted Test on the Substance Testing screen.

2. Testing Procedures:

A. Urinalysis Testing (UA testing).
   1. Obtaining a urine specimen.
      a. Staff will allow for the highest degree of privacy when obtaining a urine specimen from a parolee.
      b. Parole staff will always use examination gloves when handling urine specimens.
      c. Parole staff trained in collecting urine specimens will be of the same gender as the parolee and maintain visual contact of the parolee during the collection of urine.
         1) When parole staff of the same gender as the offender is not available, they can collect UA without having visual of the offender.
         2) Mouth swabs should be available in every office and can be utilized as an alternative to a UA.
      d. All necessary steps will be taken to assure the parolee does not tamper with the collected urine specimen.
      e. All urine specimens will be collected in approved containers.
   2. Maintaining the proper chain of command.
      a. Following the collection of a urine specimen, the parole agent will ensure the cup lid is secure and, if the sample is not being tested immediately in the direct presence of the parolee who provided the sample, the agent will place the label, initialed by the parolee, across the lid onto the sides of the cup to ensure security.
      b. If the urine specimen is collected away from the field office and has not been tested, the specimen will be transported to the field office as quickly as reasonably possible.
      c. Any specimens still needing testing will be maintained in the field office until tested.
   3. Testing of urine specimens.
      a. All urine specimens will be tested using a field-testing system approved by the director and/or associate director of parole.
         1) Procedures established by the testing manufacturer will be followed for all testing.
         2) Authorized urinalysis tests include a five-panel test and single dip test for fentanyl.
            a) Staff can work with community providers, law enforcement, or local DOC institutions if a test is needed for a specific drug not included on the five-panel test.
      b. Urine specimens may be tested on-site or when transported back to the field office.
      c. All urine specimens must be tested within seven (7) days of collection.
   4. Confirmation Testing.
      a. Confirmation testing will be conducted on all urinalysis tests that produce a positive test result, unless the parolee providing the sample makes an admission of use.
         1) The confirmation test will be conducted using one of the approved field-testing systems on the same sample as the initial test.

2) The confirmation test should be completed by another trained parole agent or regional supervisor when reasonably possible.

b. If the parolee is continuing to contest the positive results, the urine specimen may be sent to the State Health Lab or other certified lab upon approval of the regional supervisor.

1) Payment for State Health Lab testing or other certified lab testing will be incurred by the DOC if the result is negative. The parolee may be responsible for payment should the result be positive.

5. Sending specimens to the State Health Lab or other certified lab.

a. Each field office will maintain a supply of State Health Lab urine specimen test kits.

b. Parole agents will follow previously outlined collection procedures for collecting a urine specimen and will complete the Drug Screening/Testing submission form and follow the distribution instructions as listed on the form.

c. For sending urinalysis tests to other approved certified labs for testing, agents will follow protocol as established by the specified certified lab and submit any paperwork deemed necessary by the certified lab.

6. Discarding of urine specimens and collection materials.

a. All urine specimens obtained at the direction/initiation of a parole agent or other parole services staff resulting in a negative or positive test result and accompanied by an admission of use by the parolee will be disposed of by flushing the specimen down the toilet.

b. All urine specimens, obtained at the request of law enforcement, resulting in a positive test depending on the direction provided by law enforcement upon notification of the results, will be either:

1) Retained for a reasonable amount of time until custody is turned over to the requesting officer/agency or authorized designee; or

2) Disposed of by flushing the specimen down the toilet if the requesting officer/agency does not elect to take custody of the sample.

B. Portable Breath Test (PBT).

1. The following PBT testing units are approved for use by Parole Services Division.

a. Intoximeter/Alco-Sensor (Digital testing).

b. Remote Breath Device.

2. All PBT testing units will be inspected annually by designated trained parole services staff or another agency designated trained staff member.

3. When administering a PBT, parole agents and regional supervisors will follow the manufacturer's established protocol for each testing unit.

C. Oral Fluid Swabs.

1. Oral fluid drug screens, or similar oral swab products approved by the director and/or associate director of parole will be available to parole services staff for use in the detection of a parolee's use of an unauthorized controlled substance.

D. Record keeping procedure for all substance tests.

1. All drug tests (urinalysis tests and oral fluid swabs) and positive PBT tests will be recorded in the offender management system on the Substance Testing screen, including tests completed by other staff/agencies if known/reported to the supervising parole agent.

3. Responding to a Positive Substance Test:

A. Agents will respond to all positive tests and admission of use in accordance with DOC policy 1400-05 – *Parole – Response to Violations*.

B. A test that is determined to be a positive result for a felony level substance (without a valid prescription) will result in a formal sanction to include a mandatory period of detainment, unless otherwise approved by the regional supervisor (DOC policy 1400-05 *Parole – Response to Violations*).

C. Agents can utilize previous drug tests from the offender, offender admission, or other reliable information to determine when a positive test is residual. Residual tests should not be considered as a new positive test.

4. Parolee's Refusal or Failure to Provide an Adequate Sample for Substance Testing:

A. If a parolee is unable to provide a urine specimen upon the direction of a parole agent, the parolee will be provided a time period of no more than two (2) hours to produce the specimen.
   1. An offender who is unable to produce an adequate urine specimen may be given water to drink.
   2. Failure to produce a specimen in that time frame will be treated as a failure to submit to urine/drug analysis and handled in accordance with DOC policy 1400-05 *Parole – Response to Violations*.

B. Any attempt by a parolee to adulterate a urine specimen or substitute another individual's urine specimen as their own will be treated as a failure to submit to urine/drug analysis and handled in accordance with DOC policy 1400-05 *Parole – Response to Violations*.

5. Reporting Positive Drug Tests:

A. If a parolee provides a sample which tests positive for a controlled or unauthorized substance; and that testing process was initiated by/at the direction of parole services staff, the parolee will be sanctioned through a response as directed by DOC policy 1400-05 *Parole – Response to Violations*. In these cases, if there are exigent circumstances such as significant drug intelligence or a known active investigation, law enforcement can be notified.

B. If a parolee provides a sample which tests positive for a controlled or unauthorized substance, and the testing process was initiated or requested by law enforcement, the parole agent is authorized to report the positive test results to the requesting law enforcement agency. Drug tests that were initiated by law enforcement can be turned over to law enforcement.

6. Staff Training for Substance Testing:

A. Parole services staff will receive proper training in the administering of all substance testing methods during new agent training processes.

B. Only parole services staff properly trained in the procedures for completing substance testing, including the PBT, will be allowed to conduct such tests.

V. RESPONSIBILITY

The director of Parole Services is responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

None.

VII. HISTORY

September 2026
January 2026 – New policy

ATTACHMENTS

None.