


# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

	<b>SUBJECT:</b>	<b>POLICY NUMBER</b> 190
	<b>DRUG TESTING – SWORN EMPLOYEES</b>	<b>ISSUE DATE</b> 02/19/2008
	<b>CHAPTER: ADMINISTRATION &amp; PERSONNEL</b>	<b>EFFECTIVE DATE</b> 02/19/2008
	<b>ISSUED By:</b> Chief of Police John E. Howell	<b>TOTAL PAGES</b> 6

**I. PURPOSE**

The purpose of this policy is to inform all sworn employees of this agency's drug testing policy.

**II. POLICY**

The critical mission of law enforcement establishes a compelling need to maintain a drug-free work environment. Officers who engage in unauthorized use of drugs and controlled substances risk their safety, and that of their fellow officers and the community they serve, undermine the integrity of the agency and increase the potential for corruption. Therefore, it is the policy of this agency to maintain a drug-free workplace in part through the use of random employee drug testing.

**III. DEFINITIONS**

**SWORN EMPLOYEE**—Those employees who have been formally vested with full law enforcement powers and authority.

**SUPERVISOR**—Those sworn employees assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work element.

**DRUG TEST**—The compulsory production and submission of a sample of urine, blood, hair, or saliva oral fluid by an employee in accordance with departmental procedures, for chemical analysis to detect prohibited drug usage.

**REASONABLE SUSPICION**—That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to believe that the individual is or has been using drugs while on-or off-duty.

**PROBATIONARY EMPLOYEE**—For the purposes of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the department as a law enforcement officer.

**RANDOM SELECTION**: A method of selection in which each and every employee in selected employee classifications, has an equal chance to be selected for drug testing each and every time a selection is conducted.

**DRUG-TEST SUBVERSION DEVICE**: Any prosthetic device, male or female, or method, drug or product intended to defeat drug tests.

#### **IV. PROCEDURES/RULES**

##### **A. PROHIBITED ACTIVITY:**

1. The following rules shall apply to all applicants, probationary and sworn employees, while on and off duty:
2. No employee shall illegally possess any controlled substance.
3. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by and taken in accordance with directions of a licensed medical practitioner.
4. Employees shall notify their immediate supervisor when required to use prescription medicine, which they have been informed, has the potential to impair job performance.
  - a. The employee shall advise the supervisor of the known side effects of such medication, and the prescribed period of use.
  - b. Supervisors shall document this information through the use of an internal memorandum and maintain this memorandum in a secured file.
  - c. The employee may be temporarily reassigned to other duties, where appropriate.
5. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
6. Any employee who unintentionally ingests, or is made to ingest a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.
7. Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance shall immediately report the facts and circumstances to their supervisor.
8. No employee shall consume any intoxicating beverage while on duty or on police premises unless authorized by a supervisor in the course of their employment.

9. No employee shall:
  - a. be under the influence of alcohol in a public place,
  - b. report for duty with the odor of alcohol on their breath, or
  - c. report for work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol or medication.
10. Discipline of sworn employees for violation of this policy shall be in accordance with the due process rights provided in the department's discipline and grievance procedures.

**B. APPLICANT DRUG-TESTING**

1. Applicants for the position of sworn law enforcement officer shall be required to take a drug test as a condition of employment during a pre-employment medical examination.
2. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  - a. Refusal to submit to a required drug-test; or
  - b. A confirmed positive drug-test indicating drug use prohibited by this policy.

**C. PROBATIONARY EMPLOYEE DRUG-TESTING:**

1. All probationary employees shall be required as a condition of employment to participate in any unannounced mandatory drug tests scheduled for the probationary period. The Chief of Police shall determine the frequency and timing of such tests.
2. In addition, where the probationary employee has a past history of drug use, he/she shall be required to submit to random-testing until the probationary period is successfully completed. The Chief of Police shall determine the frequency and timing of such testing.

**D. EMPLOYEE DRUG TESTING:**

1. Sworn officers will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:
  - a. A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using drugs. A summary of the facts supporting the order shall be made available to the employee prior to the actual test.
  - b. A drug test will be administered as part of any regular physical examination required by this department.

- c. All sworn officers shall be randomly tested as required by the department. An independent contractor will randomly select employees to be tested. Employees selected will be required to provide a sample for testing.

**E. DRUG-TESTING PROCEDURES:**

1. The testing procedures and safeguards provided in this policy to ensure the integrity of department drug-testing shall be adhered to by any personnel administering drug tests.
2. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area.
3. The bathroom facility of the testing area shall be private and secure.
  - a. Authorized testing personnel shall search the facility before an employee enters it to produce a urine, blood, hair, or saliva oral fluid sample, and document that it is free of any foreign substances.
  - b. The employee will be informed what type of drug test will be administered prior to the test being conducted.
  - c. Testing personnel shall supervise collection of the prescribed sample in a manner that is least intrusive as reasonable.
4. Where the employee appears unable, or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form. The employee shall be permitted no more than eight hours to give a sample, during which time he/she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. However, Failure to submit to or produce a urine, blood, hair, or saliva oral fluid sample shall be considered a refusal to submit to a drug-test.
5. Employees shall have the right to request that their urine, blood, hair, or saliva oral fluid sample be split and stored in case of legal disputes. The urine, blood, hair, or saliva oral fluid samples must be provided at the same time, and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the facility in frozen storage. This sample shall be made available to the employee or his attorney should the original sample result in a legal dispute or the chain of custody is broken.
6. Specimen samples shall be sealed, labeled and checked against the identity of the employee to ensure the results match the tested specimen. Samples shall be stored in a secured and refrigerated atmosphere until tested or delivered to the testing lab representative.

7. Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen of urine, blood, hair, or saliva oral fluid, or any medically recognized drug test as deemed appropriate by the Chief of Police or his designee shall be obtained immediately, under direct observation of the testing personnel.
8. The use or attempted use or obvious possession of a Drug-Test Subversion Device will be considered an attempt by the employee being tested to subvert or defeat the test being administered. Violations are considered Cardinal Offenses and the employee is subject to disciplinary action up to and including termination.

**F. DRUG-TESTING METHODOLOGY:**

1. The testing or processing phase shall consist of a two-step procedure:
  - a. Initial screening test, and
  - b. Confirmation test.
2. The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending." Notification of test results to the supervisor or other departmental designee shall be held until the confirmation test results are obtained.
3. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
4. The drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major drug of abuse including heroin, amphetamine and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.
5. Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial immunoassay drug-screening test:

	<i>Initial Test Level (ng/ml)</i>
Marijuana metabolite .....	100
Cocaine metabolite.....	300
Opiate metabolites.....	300*
Phencyclidine .....	25
Amphetamines .....	1000

\* 25ng/ml if immunoassay specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive using a technologically different initial screening method:

	<i>Confirmatory Test Level (ng/ml)</i>
Marijuana metabolite .....	15 (1)
Cocaine metabolite.....	150 (2)
Opiates:	
Morphine .....	*300
Codeine .....	*300
Phencyclidine .....	25
Amphetamines:	
Amphetamine .....	500
Methamphetamine.....	500
(1) Delta-9-tetrahydrocannabinol-9-carboxylic acid	
(2) Benzoylcegonine	

6. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.
7. Employees having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the employee requests such, a copy of the letter will be placed in the employee's personnel file.
8. Any employee who breaches the confidentiality of testing information shall be subject to discipline.

**G. CHAIN OF EVIDENCE-STORAGE:**

1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
2. Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.

**H. DRUG-TEST RESULTS:**

1. All records pertaining to department required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.
2. Drug test results and records shall be stored and retained in compliance with state law or for an indefinite period in a secured area where there is no applicable state law.
3. The Office of Professional Standards shall maintain all records relating to drug testing of applicants, trainees and law enforcement officers.