

PINEVILLE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 10 OPERATION PROCEDURES

SUBJECT: 1010 CHEMICAL TESTING/ABUSE

EFFECTIVE: 11/20/2017

I. PURPOSE

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

Drug test: The compulsory production and submission of urine or submission to a breathalyzer, in accordance with departmental procedures, to detect prohibited drug usage. While this policy provides for only the submission of urine for detection and analysis of controlled substances, it does not preclude the agency from using a blood or other test for the same purposes.

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.

Sensitive employment positions: Non-sworn employees working in positions accessible to restricted or confidential information and who are designated as such by state law or the agency chief executive.

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.

Controlled Substance: Any substance which is illegal to consume, possess, manufacture or distribute or any psychoactive substance drug or medication that requires the prescription of a licensed medical practitioner.

Drug: Any substance, including alcohol, which is restricted or prohibited by this policy.

IV. PROCEDURES

A. Prohibited Activity

1. No employee shall illegally possess any controlled substance.
2. No employee shall ingest any controlled substance unless prescribed by and taken in accordance with directions of a licensed medical practitioner. (not expired)
3. Employees shall notify their immediate supervisor when required to use prescription medicine which they have been informed has the potential to impair job performance.

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- 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 medical file.
 - c. The employee may be temporarily reassigned to other duties, where appropriate.
 4. Any employee who unintentionally ingests, or is made to ingest, a drug or 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.
 5. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of any controlled substance or drug shall immediately report the facts and circumstances to their supervisor.
 6. 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.
 7. No employee shall
 - a. be under the influence of alcohol in a public place on-duty,
 - b. report for duty with the odor of alcohol on his or her 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.
 8. Police employees will not associate with any person who uses, abuses or distributes illegal drugs, on or off duty, except in the line of duty, under direct supervision.
- B. Applicant Drug-Testing**
1. Applicants for the position of sworn law enforcement officer shall be required and will be notified they must take a drug test as a condition of continued employment consideration. They will be notified further that the agency conducts random drug testing on all sworn officers and that refusal to take such a test will constitute grounds for termination of employment.
 2. Applicants shall be disqualified from further consideration for employment should they refuse to submit to a required drug-test or fail a drug test.
- C. Reasonable Suspicion Drug Testing**
1. Supervisory and command personnel may request the Chief of Police to order a drug test of any employee when there is reasonable suspicion to believe the employee is under the influence of or abuses a drug or controlled substance.

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2. A summary of the facts supporting the request shall be forwarded to the Chief of Police and a summary of pertinent facts provided to the employee prior to conducting any test.
3. Reasonable suspicion to request a drug test is based on a totality of circumstances that include but are not limited to
 - a. abnormal conduct or aberrant behavior;
 - b. information provided by reliable and credible sources; and/or
 - c. Observed difficulty or unusual speech, concentration, movement or the behavior characteristics symptomatic of controlled substance usage.
4. An employee under reasonable suspicion may be removed from duty pending the outcome of a drug test.

D. Drug-Testing Procedures

1. Employees shall be selected for drug testing on a random basis.
2. This City Policy through the City of Pineville Human Resources Division shall establish the actual number of officers to be tested during each testing cycle from each employee classification based on staffing size and selection rates.
3. Any employee who discloses the identity of another employee selected for random testing, that a random selection is scheduled or the date on which urine specimens will be collected, is subject to disciplinary action.
4. Urine specimens shall be collected using equipment, supplies and personnel meeting professionally-accepted standards established by local, state or national authorities and as approved by this agency.
5. Unless collection personnel can positively identify employees to be tested, employees shall be required to provide photo identification and verify their identity for the record by applying a thumbprint impression on the pre-test interview form.
6. To ensure confidentiality of test results, only a personal identification number shall be used to identify the test sample.
7. Where possible, testing shall be conducted at or near the employee's place of assignment.
8. The bathroom facility of the testing area shall be private and secure. Authorized testing personnel shall take appropriate measures to ensure the integrity of the test.
9. 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.
 - a. Reasonable amounts of water may be given to the employee to encourage urination.

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- b. The employee shall be permitted a reasonable amount of time to give a sample, during which he/she shall remain in the testing area under observation.
 - c. Failure to submit a sample shall be considered a refusal to submit to a drug-test.
 - 10. Whenever there is a reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained immediately under direct observation of the testing personnel.
- E. **COLLECTION OF SAMPLES/TESTING**
 - 1. All testing and samples will be administered and secured by the facility or contracted Lab service as provided through the City of Pineville, Human Resources office.
 - 2. This policy is to be considered with the standing City of Pineville Substance Abuse Policy. However, due to the uniqueness of law enforcement duties; enhanced policies may be applied.
- F. **DRUG TESTING RESULTS**
 - a. 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.
 - b. Drug test results and records shall be stored and retained in compliance with law.
 - c. The City of Pineville's Human Resources divisions shall maintain all records relating to drug testing of applicants, trainees and law enforcement officers.
- G. **DISPOSITION**
 - 1. Any employee that produces a positive drug/alcohol sample shall be suspended from duty, until the matter is disposed of through appropriate disciplinary action.
 - 2. The use, abuse, possession or sale of any controlled substance or illegal drug, or the distribution of a prescription medication without a prescription from a licensed physician, for that specific individual, shall result in the termination of employment. Refusal to submit to a drug/alcohol screening will also result in disciplinary action, including up to termination of employment.