

Annapolis Police Department



GENERAL ORDER

Number: N.8

**Issue Date: August
2011**

TO: All Personnel

SUBJECT: Employee Drug Testing Program

PURPOSE

The purpose of this General Order is to establish guidelines for drug and alcohol testing.

POLICY

It shall be the policy of the Annapolis Police Department to test its employees for drugs and alcohol. Fair and reasonable testing methods will be used to enforce this policy, including voluntary testing, random testing, reasonable suspicion testing and post accident testing. This General Order is not applicable to applicant testing. Violation of this policy shall result in disciplinary action up to and including termination.

DEFINITIONS

Except where the context otherwise requires, as used:

- A. **Alcohol** – means drinks made by fermenting fruit juices, sugars and fermentable carbohydrates with yeast to form alcohol. These include beer, malt liquor, cider, wines, spirits such as brandy, gin and rum, liqueurs from distilled spirits and fortified wines.
- B. **Drug** - means amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein and those contained in the Controlled Dangerous Substance statutes.
- C. **Drug test** - means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.
- D. **Initial drug test** - means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens.

- E. **Confirmation test** - means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. May also be referred to a confirmed test or confirmed drug test.
- F. **Employee** - means any person who works for salary, wages, or other remuneration for the Annapolis Police Department.
- G. **Prescription or nonprescription medication** - means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- H. **Property** – includes, but is not limited to, city owned vehicles, desks, lockers, containers, storage units and file cabinets.
- I. **Reasonable suspicion drug testing** - means drug and or alcohol testing based on a belief that an employee is using or has used drugs or alcohol in violation of the APD's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon but not limited to:
 - 1) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - 2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - 3) An outside report of drug or alcohol use.
 - 4) Evidence an individual has tampered with a drug test during employment with APD.
 - 5) Information an employee has caused, or contributed to, an accident while at work.
 - 6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs, outside of department policy, while working or while on city property or while operating a city vehicle, machinery, or equipment.
 - 7) Serious bodily injury means an injury to any person, including the employee, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

I. General

- A. Members of the agency shall not take any illegal drugs, dangerous substances or prescription drugs whether on or off duty, unless prescribed by a person authorized to do so.

- B. Members shall not report for duty under the influence of an intoxicating beverage or consume intoxicating beverages while on duty, unless approved by a supervisor for law enforcement purposes.
- C. Any member who takes prescription or nonprescription medication which may impair judgment or prohibit a member from performing regular duties must notify his or her supervisor immediately. The supervisor will be advised of the specific medication being taken. The supervisor will provide the member with further instructions after determining the effects the medication may have on the employee's judgment and ability to perform their assigned duties.
- D. All property belonging to the department or on departmental property is subject to inspection at anytime, without notice.
- E. Employees who have a reasonable suspicion to believe another employee is illegally using drugs or is under the influence of alcohol shall report the facts and circumstances immediately to their supervisor or the Internal Affairs Section.

II. Voluntary Submission

- A. Members of the Annapolis Police Department who believe they have been contaminated by or exposed to any CDS or other hazardous substance may voluntarily submit to a reasonable suspicion chemical test.
- B. The member must notify their immediate supervisor who shall accompany the member for the test. The supervisor will remain at the testing facility until the submission is complete and the results are available.
- C. The member shall author an administrative report detailing the facts and circumstances concerning the contamination or exposure prior to submitting to the test.
- D. Upon completion of the initial test the immediate supervisor will consult with the division commander for the appropriate action.

III. Random Testing

- A. All sworn personnel are required to submit to unannounced drug testing when selected pursuant to the random selection process established by Human Resources.
- B. Civilian personnel who may come in contact with or handle narcotics are required to submit to unannounced drug testing when selected pursuant to the random selection process established by Human Resources.
- C. Human Resources will notify the Administrative Division of the personnel randomly selected to submit to drug testing.
- D. The Administrative Division will notify the individual's supervisor of the person selected.

- E. The supervisor will complete the necessary paperwork and order the employee to submit to the drug testing as scheduled. If the employee cannot respond as scheduled the supervisor must briefly document the reason.
- F. If an employee is selected but is not working the supervisor will notify the Administrative Division of the date the employee is to return to work. The supervisor will ensure the employee reports for the testing immediately upon the employee's return to work.
- G. The supervisor will document that the employee submitted to the test and forward the documentation to the Administrative Division.
- H. Specimens will be collected and tested by an approved laboratory.

IV. Reasonable Suspicion Testing

If a member of the APD is accused of consuming alcoholic beverages prior to duty or while on duty, without supervisor permission, or accused of unlawful use of a Controlled Dangerous Substance the member will submit to drug testing.

- A. Upon receiving an accusation the supervisor will immediately contact the accused member and advise the member not to operate any vehicle. The supervisor will respond to the accused member's location and transport the member for testing.
- B. If the member is accused of consuming an intoxicating beverage the supervisor shall:
 - 1. Transport the accused to the Breathalyzer test and witness the administering of the test.
 - 2. Note and record the elapsed time between the initial report of the accusation and the actual time you observed the member's condition and the administration of the Breathalyzer test.
 - 3. The test shall be administered as soon as possible after the allegation. There is not a two hour time limit.
 - 4. Complete an administrative report and forward through appropriate channels.
- C. If the member is accused of unlawful use of a Controlled Dangerous Substance the supervisor shall:
 - 1. Note and record the appearance and demeanor of the accused.
 - 2. Accompany the accused member to the approved testing facility for the initial drug test.
 - 3. Remain at the facility with the accused member until the submission is complete and you have received the initial drug test results.
 - 4. Complete an administrative report and forward through appropriate

channels.

5. Specimens will be screened immediately and the results provided to the supervisor. Negative result specimens will be destroyed. Positive results will be sent to an approved laboratory for confirmation.

V. Post Accident

All employees, including employees holding positions that are non-safety sensitive functions, may be required to immediately submit to both drug and alcohol testing when the supervisor has objective facts giving them reason to believe that the employee is at least partly responsible for an accident while the employee is at work, so long as the accident (a) causes at least \$500 in damage or causes personal injury, and (b) the accident involves a city vehicle or occurred while operating City equipment.

VI. Positive Test Results

- A. Human Resources will notify the Administrative Division of positive test results from random and confirmation tests.
- B. If the member submitted to a reasonable suspicion test the supervisor will be notified of the initial test results prior to leaving the testing facility.
- C. Supervisors shall suspend the police powers of any sworn member who tests positive for a Controlled Dangerous Substance. If the member is a civilian that member will be immediately transferred from their sensitive position.
- D. Supervisors will suspend the police powers of a sworn member who takes a Breathalyzer test and records a blood alcohol content (BAC) higher than 0.0. Supervisors should not allow officers or civilians to operate their personal vehicles with a BAC higher than 0.0.
- E. Suspensions shall be done in accordance with General Order G.3.
- F. Supervisors shall notify the Internal Investigation Section and complete an administrative report.

VII. Refusal to Submit to Testing

- A. Supervisors will order members to submit for testing for all tests.
- B. Failure to comply with this policy is grounds for disciplinary action up to and including termination.
- C. Members who refuse to submit to a test will be suspended from duty in accordance with General Order G.3.
- D. Members who fail to report for the test without prior approval will be deemed to have refused to take the test and will be suspended from duty.

- E. Supervisors must notify the Internal Investigation Section immediately of the refusal and an investigation will be initiated.

Michael Pristoop
Chief of Police

References
<ol style="list-style-type: none">1. Accreditation Standards: None2. General Order G.1 Investigation of Complaints Against Personnel3. General Orders G.3 Suspension from Duty

Revision: This is a new General Order