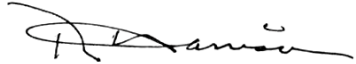


# TEXARKANA POLICE DEPARTMENT

## GENERAL ORDERS MANUAL

<b>SUBJECT</b>	<b>Drug Free Workplace / Random Drug Testing</b>		
<b>NUMBER</b>	<b>1104.11</b>	<b>EFFECTIVE DATE</b>	<b>March 29, 2011</b>
<b>Scheduled Review Date</b>	<b>July 30, 2018</b>	<b>ISSUE DATE</b>	<b>March 29, 2011</b>
<b>Date Reviewed</b>	<b>June 27, 2017</b>	<b>REVISION DATE</b>	<b>June 27, 2017</b>
<b>APPROVED BY</b>		<b>ALEAP Standards</b>	<b>2.20</b>

### I. Purpose and Scope

- A. This policy establishes guidelines that otherwise mandate a workplace and staff of employees who remain drug free. This policy governs all employees of the Texarkana Police Department who operate in both a sworn and non-sworn capacity. For the purposes of this policy, the term employee shall include all personnel assigned to the Agency.

### II. Policy

- A. Because of its law enforcement responsibilities and the sensitive nature of its overall function, the Texarkana Police Department maintains a compelling obligation to eliminate illegal drug use within its facilities and among its employees.
- B. It shall remain the policy of the Texarkana Police Department to maintain a work environment free from the unlawful manufacture, distribution, dispensation, possession, use or effect of a controlled substance. The Department recognizes drugs impair an employee's judgment which equates to increased safety risks, hazards to the public, employee injuries, misguided decision making and reduced productivity.
- C. The Texarkana Police Department demands all of its employees remain within a state of mind and within a physical condition necessary to ensure their assigned duties are completed in a safe, competent and effective manner when they are on-duty. The community in which we serve has a right to expect all personnel within the Texarkana Police Department—whether sworn or non-sworn—are mentally and physically prepared to carry out their duties.
- D. In an effort to ensure the integrity of the Department, coupled with the need to preserve the public's trust and confidence in a drug free law enforcement profession, it shall be the policy of the Texarkana Police Department to implement, manage and direct a random drug testing program designed to detect the use of prohibited drugs by sworn and non-sworn employees.
- E. All members of the Department shall recognize and adhere to the guidelines established within this policy.

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### III. Definitions

- A. **Sworn Employees**—Those members of the Department who have been formally vested with full law enforcement powers and authority.
- B. **Supervisor**—Those sworn employees assigned to a position within the Department having the daily responsibility for supervising subordinates and/or responsible for commanding a work element.
- C. **Drug Test**—The compulsory production and submission of urine by an employee of the Department in accordance with Department procedures for the purpose of analyzing and detecting prohibited drugs and/or substances within the submitted urine.
- D. **Reasonable Suspicion**—For the purposes of this policy, reasonable suspicion shall be defined as the quantity of proof, evidence or circumstances which is more than a hunch but less than probable cause. All reasonable suspicion must be based upon specific and objective facts—and any rationally derived inferences from those facts—that gives rise to the conduct of an individual and leads a reasonable person to suspect an individual is or has been using drugs while on or off duty.
- E. **Probationary Employee**—For the purposes of this policy, a probationary employee shall be defined as any person who is conditionally employed with the Department as a law enforcement officer.
- F. **Non-Sworn Employee**—Those employees of the Department who have not been formerly vested with full law enforcement powers.
- G. **Metabolite**—The intermediates and products of metabolism.
- H. **Ng/ml**—For the purposes of this policy, ng/ml shall be defined as the nanograms per milliliter of a particular substance present within urine.

### IV. Drug Free Workplace

- A. The following rules and guidelines shall apply to all employees—whether sworn, non-sworn or probationary—while on and off duty.
  - 1. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by an employee of the Texarkana Police Department while on duty or during lunch and/or other breaks, or at any time the employee is at the Texarkana Police Department or property owned by the City of Texarkana, Arkansas, or at any time while operating a vehicle or equipment owned by the Texarkana Police Department or City of Texarkana, Arkansas is absolutely prohibited and constitutes grounds for immediate termination of employment.
  - 2. Any employee arrested, charged or convicted of violating criminal statutes pertaining to controlled substances occurring at any time—whether on or off duty—must immediately report—no later than twenty-four (24) hours from the time of the arrest or conviction—the arrest or conviction to their supervisor or be subject to disciplinary action up to and including termination of employment. Such arrest or conviction itself may also constitute grounds for disciplinary action up to and including termination of employment.
    - a. For the purposes of this policy, the term convicted shall be evidenced by the employee being found guilty—including a plea of nolo contendere—or receiving a suspended imposition of sentence—or both—by any judicial body charged with the responsibility to determine violations of federal or state criminal statutes.

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3. Employees who are undergoing medical treatment—to include the use of any drug or medication affecting the employee's ability to perform job-related functions—shall notify their immediate supervisor of the type of prescribed medication, the length of the treatment and the known side effects of medication.
  - a. Supervisors shall document this information by completing an internal memorandum which will be maintained in a secure file. Depending upon the circumstances of the treatment, the employee may be temporarily reassigned to other duties when deemed appropriate. For more information surrounding reassignments and light-duty status, refer to [General Order 1101.02---Compensation and Benefits](#).
4. No employee shall ingest any prescribed or non-prescribed medication in amounts beyond the recommended dosage.
5. Any employee who unintentionally ingests—or those employees who are made to ingest a controlled substance—shall in all instances immediately report the incident to their supervisor so the appropriate medical steps may be taken to ensure the employee's health and safety.
6. Any employee having a reasonable basis to believe another employee is illegally using or in possession of any controlled substance will immediately report the facts and circumstances to their supervisor.
7. Discipline of any sworn employee for violation of this policy shall be in accordance with the due process guidelines contained within the [Texarkana Police Department General Order 1104.03---Disciplinary Process](#) as well as the City of Texarkana, Arkansas' Civil Service Commission's Rules and Regulations.
8. Discipline of any non-sworn employee for violation of this policy shall be in accordance with the due process provided in the [City of Texarkana, Arkansas' Personnel Policy Handbook](#) for non-sworn employees.

**V. Drug Testing**

**A. Applicant Drug Testing**

1. All applicants for any position with the Texarkana Police Department shall be required to take a drug test as a condition of employment. If the position being sought requires a pre-employment medical examination, then the drug test may be administered at that time. If the position being sought does not require a pre-employment medical examination, then the applicant will be directed to report to medical facility contracted by the Department for purposes surrounding drug testing. For additional information regarding the selection process for sworn employees, refer to [General Order 1103.02---Selection Process—Police Officer](#).
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 which is prohibited by this policy.

**B. Probationary Employee Drug Testing**

1. All probationary employees shall be required—as a condition of their employment—to participate in any unannounced mass/mandatory drug tests scheduled during the probationary

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period. The frequency and timing of such tests shall be determined by the Chief of Police or his/her designee.

- a. In those instances that find a probationary employee having a past history of drug use, he/she shall be required to submit to random drug testing until the probationary period is successfully completed. The frequency and timing of such testing shall be determined by the Chief of Police or his/her designee.

**C. Employee Drug Testing**

- 1. In an effort to detect prohibited drug use, all employees of the Texarkana Police Department will be required to take drug tests as a condition of their continued employment as provided below:
  - a. A supervisor may order an employee to take a drug test upon documented reasonable suspicion the employee is or has been using drugs. The observing supervisor shall also contact a second supervisor about the incident so that he or she can observe the activity or behavior in tandem with the first observing supervisor. Both supervisors shall document their respective observations on an internal memorandum—and upon approval by the Chief of Police or his/her designee—order the employee to submit to a drug test.
    - (1) A summary of the facts and circumstances supporting the order which compels the employee to submit to the drug test shall be made available to the employee prior to the actual test. Although not inclusive, observations which constitute a factual basis for reasonable suspicion may include the following:
      - (a) The odor of illegal drugs;
      - (b) Any erratic or unusual behavior on the part of the employee;
      - (c) The presence of violent mood swings;
      - (d) Any evidence of excessive absenteeism, including tardiness;
      - (e) The development of a medical emergency which might be attributed to controlled substance abuse;
      - (f) A documented deterioration in the employee's job performance; or
      - (g) An accident which is caused by the apparent action or inaction of an employee.
    - (2) In those instances in which a compelled drug test of an employee is necessitated by the criteria contained within this section of the policy, a Department supervisor shall drive the employee to the drug test collection site. The employee will be placed on administrative leave pending the test results.
  - b. A drug test will be administered as part of any physical examination required by the Texarkana Police Department.
  - c. All employees of the Texarkana Police Department shall be subject to unannounced, random drug testing at a frequency and within intervals determined by the Chief of Police or his/her designee.

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- (1) The random drug testing program in no way supersedes, replaces or eliminates a member of this Department from being subject to a compelled drug test supported by reasonable suspicion and ordered by a Department supervisor.
  - (2) Because of the nature of their positions within the Department, officers who are assigned to the Narcotics Section—as well as those officers assigned to the position of canine officer—will be screened a minimum of twice yearly; however, this mandatory screening does not replace random testing, as all narcotics detectives and canine officers shall remain within the random pool throughout the year.
- d. All employees who are involved in a work related accident resulting in physical injury to any person through any work practice that appears negligent in nature will be automatically tested as soon as practical after the incident.
  - e. Except in those cases where it becomes clear the employee is not at fault in the traffic crash, any employee who is involved in an on-duty traffic crash which results in physical injury to any person—or in those cases that involve the removal of a disabled vehicle from the scene of a crash by a wrecker—will be tested as soon as practical following the crash.
    - (1) Notwithstanding any particularized degree of fault, employees involved in an on-duty traffic crash resulting in serious physical injury or death to any person will automatically be tested as soon as practical following the crash.
  - f. Drug testing performed under this policy shall be conducted by the contracted laboratory in such a manner so as to detect the presence of the following drugs:
    - (1) Amphetamines;
    - (2) Barbiturates;
    - (3) Benzodiazepines;
    - (4) Marijuana/Cannabinoids;
    - (5) Propoxyphene;
    - (6) Methaqualone;
    - (7) Opiates;
    - (8) Phencyclidine (PCP); and
    - (9) Cocaine.

**D. Procedures—Drug Testing**

- 1. The testing procedures and safeguards provided within this policy serve to ensure the integrity of the Department’s drug testing requirements and shall be adhered to by all personnel responsible to administer the Department’s drug tests.
- 2. Drug testing of employees of the Texarkana Police Department shall be conducted by a private laboratory certified in the administration and interpretation of these types of chemical tests. The drug testing laboratory shall be certified by the United States Department of Health and Human Services, employee professionally trained collection personnel, adhere to quality assurance requirements for urinalysis and follow strict confidentiality requirements.

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3. The names and social security numbers—or other identifying numbers as deemed appropriate—belonging to all Texarkana Police Department employees shall be provided to the testing laboratory. As this information changes, the Services Division Commander—or his/her designee—shall be responsible to ensure the contracted testing laboratory maintains the Department's current employee roster.
4. The drug testing laboratory having the contractual responsibility and authority to perform drug testing for the Texarkana Police Department shall contact the Chief of Police—or his/her designee—on a random and unannounced basis and provide the Department with the names and social security numbers—or other identifying number as deemed appropriate—of those employees who have been randomly selected for drug testing.
  - a. The Chief of Police or his/her designee will periodically determine if the number of names selected and the frequency of testing satisfies the Department's desire to maintain a Department staffed by drug free employees.
5. The Department employee who is selected for random drug testing will be notified by the Services Division Commander—or his/her designee—and directed to report to the designated medical facility for the purpose of submitting to the random drug test.
  - a. The employee will be reminded that he or she is under no suspicion of taking drugs and that his or her name was drawn randomly. Employees who are selected for random drug testing will be provided with instructions directing them to the location of the designated testing facility. Selected employees will have four (4) hours to report to the designated testing facility.
    - (1) Failure to appear for testing within the prescribed period will be considered refusal to participate in the testing process and will subject the employee to disciplinary action up to and including termination.
    - (2) Should a Texarkana Police Department applicant fail to appear at the testing facility at the assigned time, then the offer of employment is subject to cancellation.
  - b. Employees who are on duty at the time of notification will be allowed to leave their assigned area for the purpose of submitting to the drug test. During the time required for the testing process, personnel will not be subject to calls or assignments and will be otherwise classified as "out of service" for the duration of the testing process.
    - (1) Those employees who have been randomly selected and find themselves off-duty (RDO, vacation, sick leave, etc.) shall not be required to report for the drug test; instead, the Services Division Commander—or his/her designee—will randomly select an employee who has been placed on the list as an *alternate testing candidate* to replace the off-duty employee. The alternate employee will receive notification as indicated above and ordered to report to the drug testing facility.
  - c. Personnel authorized to administer drug tests shall require positive identification from each employee to be tested before they enter the testing area which shall include positive photo identification of the employee. The medical review officer will interview personnel in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result if the initial screening tests positive.
  - d. To protect the privacy of the employee while ensuring the employee is not observed by others, any employee subject to random drug testing shall be permitted to provide urine

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specimens in private restroom stall or other similar enclosure while providing the urine sample; however, collection site personnel of the same gender as the employee may observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter, substitute, taint or tamper with the specimen's authenticity. Tampering—or the act of attempting to tamper—with any urine sample shall result in disciplinary action up to and including termination.

- e. Authorized testing personnel shall search the facility before an employee enters the facility to provide the sample and document the results of the search. The search shall ensure the testing area is free from contaminants and other foreign substances. Although not inclusive, the following circumstances shall cause the collection site personnel to develop reasonable suspicion to believe a particular individual may alter or substitute the specimen to be provided:
  - (1) The employee has previously tampered with a sample;
  - (2) The facts and circumstances suggest the employee is under the influence of drugs at the time of the test;
  - (3) The specimen's temperature at the time of collection is found to be outside of the range of approximately 90 to 100 degrees Fahrenheit; or
  - (4) The specimen shows signs of contaminants.
- f. Specimens collected from employees will be divided into two separate vials which are sealed with identification labels and maintained by the collecting facility or laboratory. The urine samples will be provided at the same time and marked and secured in identical specimen containers by authorized testing personnel. The collection site personnel shall maintain appropriate chain-of-custody forms for the specimens. The secondary specimen container will be used for the following actions:
  - (1) In the event an employee wishes to challenge the results of a laboratory test, the testing laboratory will utilize the specimen which was placed in the secondary container; and
  - (2) In the event the testing laboratory conducts a secondary confirmatory test borne from a positive initial test of the specimen contained in the primary container, the testing laboratory will utilize the specimen which was placed in the secondary container.
- g. 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 atmosphere until tested or delivered to the testing lab representative.
- h. 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.
  - (1) Should this situation occur, the testing personnel shall notify the Chief of Police or his/her designee as soon as practical.
- i. If an 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 three (3) hours to give a sample, during which time he/she shall remain in the testing area under observation. Reasonable amounts of

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fluids may be given to the employee to encourage urination. Failure to provide a sample shall be considered a refusal to submit to the drug test.

**E. Procedures—Drug Testing Methodology and Results**

1. The testing, processing and analyzing phase shall consist of a two step procedure:
  - a. The initial drug screening test; and
  - b. The confirmation test when the initial screening test is positive.
2. The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; instead, 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 the specific drugs and/or their metabolites as indicated above. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.
5. The following table depicts the specific drugs, their relative cut-off levels (ng/ml) during initial and confirmatory tests and the detection time of the drug within urine specimens.
  - a. During the process of conducting a confirmatory GC/MS test on any urine specimen which initially tested positive, the following types of drugs at or above the following levels shall be considered a positive test. All confirmatory tests shall be technologically different than the method utilized for the initial screening test:

<b>DRUG</b>	<b>LabCorp Standard Screening Cut-off Level</b>	<b>LabCorp Standard GC/MS Confirmation Cut-off Level</b>	<b>Detection Time in Urine Specimens</b>
<b>Amphetamines</b>	<b>1000 ng/ml</b>	<b>500 ng/ml</b>	<b>1 to 2 days</b>
<b>Barbituates</b>	<b>200 ng/ml</b>	<b>200 ng/ml</b>	<b>Short Acting: 2 days Long Acting: 1 to 3 weeks</b>
<b>Benzodiazepines</b>	<b>200 ng/ml</b>	<b>200 ng/ml</b>	<b>3 days</b>
<b>Marijuana/Cannabinoids</b>	<b>50 ng/ml</b>	<b>15 ng/ml</b>	<b>Single Use: 2 to 7 days Prolonged Use: 1 to 2 months</b>
<b>Propoxyphene</b>	<b>300 ng/ml</b>	<b>300 ng/ml</b>	<b>6 hours to 2 days</b>
<b>Methaqualone</b>	<b>300 ng/ml</b>	<b>300 ng/ml</b>	<b>3 days</b>
<b>Phencyclidine</b>	<b>25 ng/ml</b>	<b>25 ng/ml</b>	<b>14 days Chronic Use: Up to 30 days</b>
<b>Cocaine</b>	<b>300 ng/ml</b>	<b>150 ng/ml</b>	<b>2 to 4 days</b>



6. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise and demonstrate proficiency in urinalysis.
7. Employees whose test results were determined to be negative shall receive documentation from the drug testing laboratory stating that no illegal drugs were found. Upon the employee's request, a copy of the documentation will be placed in the employee's personnel file. The employee will forward a copy of the documentation to the Personnel and Training Officer. Any employee who breaches the confidentiality of any testing information shall be subject to discipline.
8. All records pertaining to Department required drug tests shall remain confidential and shall not be provided to other employers or other agencies without the written permission of the person who is the target of the record's request/search.
9. 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.
10. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody. Where a positive result is confirmed, urine specimens shall be maintained in secured storage for up to six months.

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