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<b>Effective Date</b>	<b>October 30, 2009</b>		



## Wilkesboro Police Department

### Electronic Written Directives Document

#### I. PURPOSE

The purpose of this policy is to provide all applicants and employees with notice of the provisions of the department's drug testing program.

#### II. POLICY

It is the policy of the Wilkesboro Police Department to maintain a drug free environment within this agency, and for the safety and protection of the citizens of this community by developing procedures for a drug testing program.

#### III. DISCUSSION

Due to the critical mission of Police Officers, and the reliance by the citizens of the community upon this department for law enforcement and general safety and protection, it is the policy of this department to maintain a drug-free work environment through the use of an applicant, lateral transferee, and reasonable suspicion testing program.

The law enforcement profession has several uniquely compelling interests that justify the implementation of a drug testing program. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance.

Where Police Officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in the profession are destroyed. This confidence is further eroded by the potential for corruption created by illegal drug use. This department has a compelling interest in ensuring that every police officer, sworn to uphold the law, has unimpeachable integrity.

This department also has a compelling interest in preventing any unwarranted risk to the life of the citizens of the community posed by the potential use of deadly force by armed officers suffering from impaired perception and judgment. This department places a great deal of trust and confidence in the integrity and loyalty of each of its employees. Illegal drug use by employees of this department evidences less than the complete reliability, stability and good judgment that is

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consistent with law enforcement employees and creates the possibility of coercion, influence and irresponsible action under pressure that may pose a threat to effective enforcement of the law and maintenance of the peace. Additionally, employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater tardiness and absenteeism than their fellow employees who do not use drugs.

Therefore, in order to ensure the integrity of this department, to protect the citizens of this community, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug testing program. This program is designed to detect prohibited drug use by employees and to reduce the likelihood that drug-dependent applicants and lateral transferees will be employed by this department.

#### IV. DEFINITIONS

- A. Police Officer - A sworn law enforcement officer with power of arrest.
- B. Lateral Transferee - A law enforcement officer who applies for employment, or appointment where the officer has previously held general certification and has been separated by an agency in good standing or transferred to this agency and the officer has been separated from a law enforcement officer position for no more than twelve months.
- C. Applicant - A person, other than a lateral transferee, who applies for employment or appointment as a Police Officer.
- D. Employee - Any person employed by this department. This term includes, but shall not be limited to, police officers and clerical and support staff.
- E. Drug Test - The compulsory production and submission of urine by an applicant, lateral transferee, or employee in accordance with departmental procedures, for chemical analysis to detect prohibited drug use.
- F. Reasonable Suspicion - An articulable belief that an employee used or is using illegal drugs drawn from specific and particularized facts and reasonable inferences from those facts.

#### V. PROCEDURES

- A. The following rules shall apply to all applicants and employees, while on and off duty:
  - 1. No employee shall illegally possess any controlled substance.

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2. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
  - a. Employees shall notify their immediate supervisor when required to use prescription medicine that they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication as well as the prescribed period of use.
3. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
4. Any employee who unintentionally ingests, or is made to ingest, controlled substance shall immediately report the incident to his 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 is in possession of, any controlled substance shall immediately report the facts and circumstances to his supervisor.

**B. Applicant and Lateral Transfer Testing**

1. Applicants and lateral transferees applying for Police Officer positions shall be required to take a drug test as a condition of employment during the application process (but not more than sixty (60) days prior to the date of employment as a police officer).
2. Applicants and lateral transferees 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. Employee Testing**

Police officers and other employees of the police department will be required to submit to a drug test, as a condition of continued employment, in order to ascertain prohibited drug use in any case where there exists an individualized "reasonable suspicion" that the officer or employee uses or is using illegal

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drugs. Reasonable suspicion that an officer or employee uses or is using illegal drugs may be based upon but not limited to:

1. Observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug;
2. A pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
3. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;
4. Information provided either by reliable and credible sources or independently corroborated;
5. Evidence that an employee has tampered with a previous drug test; or
6. Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

#### D. Specimen Collection Procedures

1. The testing procedures and safeguards provided in this policy to ensure the integrity of department drug testing shall be adhered to by all personnel administering drug tests.
2. The individual to be tested (hereinafter referred to as "donor" should be positively identified by presenting one of the following:
  - a. \* NC Driver's License
  - b. \* Division of Motor Vehicles Identification Card
  - c. \* Other government issued picture ID
3. The donor will be required to complete an Applicant Consent Form.
4. The donor will have completed an Applicant Medication Information Form.
5. The room where the sample is to be obtained must have been checked to ensure that it is private, secure, and free of any foreign substance.

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6. A toilet bluing agent should be placed in the toilet bowl to ensure the donor does not use toilet water to dilute the specimen.
7. The donor should be asked to remove any unnecessary outer garments such as a coat or jacket.
8. All personal belongings such as a purse or briefcase should be left outside the collection room. A donor should be allowed to retain his/her wallet.
9. Donor should be instructed to wash and dry hands.
10. Donor should be provided with a new and/or unadulterated specimen collection bottle/container. The donor should be instructed that a specimen of 60 milliliters or 2 ounces is necessary for urinalysis.
11. Donor should be instructed while alone in the collection room he/she may not run any water, flush the toilet, or handle anything else in the room.
12. Donor enters the collection room and the collector stands outside the door. Collector should note on the Urine Specimen Collection Checklist if he/she hears any unusual activity.\*If the donor runs water or flushes the toilet while alone in the collection room, then the specimen is invalid and the process must begin anew.
13. Collector should receive the sample from the donor. Should the specimen need to be transferred from the collection container to other containers, the donor should make such transfer while under observation by the collector. The specimen should be kept in full view of both the collector and donor until it is sealed.
14. Collector should check to see that a specimen of sufficient quantity has been collected. Should a specimen of insufficient quantity be presented to the collector, that specimen should be discarded and another specimen should be collected in a new container.\* If the donor is unable to provide a specimen at that time, it is recommended that the donor be given eight (8) ounces of liquid (water, coffee, soft drink) every thirty (30) minutes. This should enable the donor to produce a sample within two hours. The donor must stay at the collection site until a specimen of sufficient quantity is obtained.
15. If the specimen is of sufficient quantity, the collector should check the temperature of the specimen.\*Temperature must fall between 90.5 degrees

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F - 99.8 degrees F and time from urination to temperature measurement shall not exceed four (4) minutes.

16. Collector should inspect the specimen's color and look for any signs of contaminants. Any concerns should be noted on the Urine Specimen Collection Checklist. Should there be reasonable suspicion that the donor tampered with the specimen, the collector must notify the employing agency and send the specimen to the laboratory for testing.
17. Collector should seal the specimen container and be sure that appropriate identification is added to the container's outer label(s).
18. Donor may now wash hands.
19. Collector should see that the specimen is appropriately safe-guarded until such time as it is prepared for and delivered to the laboratory.

#### E. Drug Testing Methodology

1. The testing or processing phase shall consist of a two-step procedure:
  - a. Initial screening test using an immunoassay testing method; and
  - b. Confirmation test using gas chromatography/mass spectrometry (GC/MS) method.
2. When the lab receives a urine sample it will conduct an initial screening test to check for the presence of illegal drugs. This initial screening test involves using an immunoassay testing method.
3. The drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites.
4. The threshold levels established by the Department of Health and Human Services for Federal Workplace Drug Testing programs are hereby adopted by reference and shall automatically include any later amendments and editions of said adopted matter.
5. The laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples.

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6. Should the initial test produce a positive result for the presence of an illegal drug, the lab will automatically perform a second test. Known as a confirmation test, the second screening involves using a technologically different and more sensitive gas chromatography/mass spectrometry (GC/MS) testing method.
7. The laboratory will report a test result as positive if, and only if, both the initial test and the confirmation test show the presence of an illegal drug.
8. The laboratory will report all test results directly to the Medical Review Officer (MRO).

**F. Medical Review Officer**

In order to provide, to the greatest extent possible, for the privacy and confidentiality of applicants and employees who are required to submit to drug testing, all laboratory results will be sent directly to the Medical Review Officer. All specimens reported by the laboratory as negative will in turn be reported to the agency by the MRO as negative. With respect to confirmed positive results, the MRO:

1. May conduct medical interviews with the applicant/employee;
2. May review applicant/employee medical histories or any other biomedical factors;
3. Shall review all medical records made available by the tested employee when a confirmed positive could have resulted from legally prescribed medication;
4. May deem the results scientifically insufficient for further action and declare the result to be negative based on a review of such data or facts as he may deem appropriate.

**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 by the laboratory in secured, refrigerated storage for an indefinite period.

**H. Confidentiality of Test Results**

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1. A positive result which the MRO justifies by appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be reported as a negative result and may not be released for purposes of identifying illegal drug use. Records of the MRO shall only be released to the agency head or appropriate agency coordinator and, when necessary, to the North Carolina Criminal Justice Education and Training Standards Commission.
  2. All records and information of personnel actions taken on applicants and veteran employees with verified positive test results shall be maintained in accordance with state and local personnel policies and procedures.
- I. Disciplinary Action

Employees refusing to submit to drug testing or those having a confirmed positive drug test indicating use prohibited by this policy will be subject to termination of employment by the Town of Wilkesboro.