

TOWN OF SWANSBORO

POLICE DEPARTMENT POLICY--NO. 1
DRUG TESTING

Due to the dependance of the citizens of the Town of Swansboro upon their Police Department providing safety and protection, it is essential to maintain a drug-free work environment through the use of an applicant, lateral transferee and reasonable suspicion testing program. The Town of Swansboro places a great deal of trust and confidence in the integrity and loyalty of each of its police officers, and illegal drug use by a police officer indicates less than complete reliability and stability.

Therefore, in order to ensure the integrity of the Police Department, to protect the citizens and to preserve their trust and confidence, the Town of Swansboro Police Department shall implement a drug testing program in accordance with the North Carolina Criminal Justice Education and Training Standards Commission as follows:

I. DEFINITIONS

- A. Applicant: A person, other than a lateral transferee, who applies for appointment as a Criminal Justice Officer.
- B. Criminal Justice Officer: A sworn law enforcement officer with power of arrest.
- C. Drug Test: The compulsory production and submission of urine by an applicant, lateral transferee or employee in accordance with departmental policy procedures for chemical analysis to detect prohibited drug use.
- D. Employee: Any person employed by the Swansboro Police Department. This term includes, but shall not be limited to, Criminal Justice Officers (full time and Auxiliary), clerical and support staff.
- E. Lateral Transferee: A criminal justice 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 the Town of Swansboro and the officer has been separated from a criminal justice officer position for no more than twelve months.
- 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.

II. PROCEDURES

A. PROHIBITED ACTIVITY

The following applies to all Criminal Justice Officers and other Police Department employees, while on or off duty:

1. Shall not illegally possess any controlled substance.
2. Shall not ingest any controlled or other dangerous substance, unless prescribed by a licensed medical practitioner.
 - A. Shall notify the Chief of Police when required to use prescription medicine when they have been informed it may impair job performance. The Chief shall document this information and place it in their secured personnel file and may temporarily reassign them to other duties.
3. Shall not ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
4. Shall immediately report the incident to the Chief of Police when an officer or department employee has unintentionally ingested, or has been made to ingest, a controlled substance so that appropriate medical steps may be taken to ensure their health and safety.
5. Shall immediately report facts and circumstances to the Chief of Police when a reasonable basis exists to believe that another officer or department employee is illegally using, or is in possession of, any controlled substance.

B. APPLICANT AND LATERAL TRANSFEREE DRUG TESTING

1. Applicants and lateral transferees applying for a Criminal Justice Officer position 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).
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. Confirmed positive drug test indicating drug use prohibited by this policy.

C. EMPLOYEE DRUG TESTING

Criminal justice officers and other employees 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 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;
6. Facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice;
7. Non-submittal to drug tests shall be reason for suspension/dismissal. Additionally, the Chief of Police or Town Administrator may require periodic testing, reasonable suspicion testing or testing based upon some specified "triggering event" such as an accident involving property damage or personal injury, accidental discharges, etc. Only required drug screening must be reported to Commissioners.

D. SPECIMEN COLLECTION PROCEDURES

The testing procedures and safeguards provided in this policy shall be adhered to by all persons administering drug tests. All donors (individual being tested) shall first sign a consent form and complete medication information form. (Attachment A & B). All donors shall be identified by current NC drivers license, ID card, or some form of ID with picture of donor.

The room where sample will be taken shall be checked to ensure that it is private, secure and free of any foreign

substance. A bluing agent shall be placed in the toilet to insure the donor does not use toilet to dilute the specimen. No coats, jackets or personal belongs (except his/her wallet) shall be permitted in the specimen area. Donor should be instructed to wash/dry hands. Donor shall be provided with a new specimen container and be instructed that a specimen of 60 milliliters or 2 ounces is necessary for urinalysis. 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. The collector should stand 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, the specimen is invalid and the process must begin anew.

Collector should receive the sample from the donor. He will note if sufficient quantity or if there is not sufficient quantity, that sample will be discarded and a new one will be collected in a new container. In the event sufficient quantity is not attainable, the donor will remain at the test site until sufficient quantity is collected. When sufficient quantity is collected, the collector will take the temperature of the specimen, which must be between 90.5-99.8 degrees F. The time must not exceed 4 minutes from urination to temperature measurement. Collector should inspect specimen color and look for signs of contamination. Collector should seal the specimen container and be sure the appropriate identification is added to the container's outer labels. Collector will see that the specimen is appropriately safeguarded until such time as it is prepared for and delivered to laboratory.

E. DRUG TESTING METHODOLOGY

The testing process shall consist of a two-step procedure.

1. The initial screening test using an Immunoassay Test Method.
2. Conformation test using gas chromatography/mass spectromerty.

The initial test will be testing for Cannabis, Cocaine, PCP Opiates and Amphetamines or there metabolites. 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.

The lab must be certified for federal workplace drug testing programs {12 NCAC 92,0101(5)(F)} and must adhere to applicable federal guide lines, rules and regulations.

In the event of a positive test, the lab will automatically perform a second test, known as a confirmation test. The lab will only report a positive result if, and only if, both tests show the presence of illegal drugs. All lab results will be sent to medical review officer.

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 Town of Swansboro by the MRO as negative.

G. CHAIN OF EVIDENCE - STORAGE

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

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 Town of Swansboro's Police Chief or Town Administrator 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.

APPROVED BY THE TOWN ADMINISTRATOR THIS 4TH DAY OF AUGUST,
1990.

