



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 924 – Mandatory Drug Testing Program

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.01 INTRODUCTION

- A. This procedure establishes a mandatory drug-testing program for sworn members, agreed upon by the City of San Antonio and the San Antonio Police Officers' Association.
- B. This procedure does not supersede any criminal investigation related to substance abuse by a member of the Department.
- C. The drug testing of non-sworn members is handled in accordance with City Administrative Directive 4.3, *Alcohol and Controlled Substances Testing*.
- D. During times when the Department Drug Testing Coordinator will be unavailable, one of the Chief's Assistant Executive Officers will be designated to temporarily fill that position.

.02 POLICY

It is the policy of the San Antonio Police Department to maintain a safe work environment for its employees and for the citizens of San Antonio. The presence of controlled substances in the workplace is inconsistent with the highest standards of health and safety in the delivery of police services and will not be tolerated.

.03 TERMINOLOGY (For specific use within this procedure, see Glossary)

Company Drug Testing Reasonable Suspicion

.04 REASONABLE SUSPICION DRUG TESTS

- A. During normal business hours (0745-1630, Mon-Fri) any command or supervisory officer who has reasonable suspicion to believe an officer is under the influence of a drug or controlled substance shall, with the concurrence from the ranking on duty commander, place the officer on administrative duty, write a detailed report requesting a mandatory drug test be conducted on said officer, and contact the Department Drug Testing Coordinator in the Office of the Chief. The detailed report must include a summary of the specific, observable facts that the officer may be under the influence of drugs. The report shall be submitted to the Department Drug Testing Coordinator in the Office of the Chief, at the first available opportunity.
- B. Notification during weekends, holidays, and between the hours of 1630 and 0745:
 - a. When the supervisor requesting the Reasonable Suspicion Drug Test is a Sergeant, he notifies his on-duty Lieutenant, writes a detailed report requesting a mandatory drug test be conducted on said officer, and request the Communications Unit to notify the Department Drug Testing Coordinator.

Note: In the absence of the Lieutenant assigned to the affected office, the requesting supervisor notifies another on-duty Lieutenant.

- b. When the supervisor requesting the Reasonable Suspicion Drug Test is a Lieutenant or above, or a Lieutenant responds to the scene at the request of a Sergeant after assessing the situation, he shall with the concurrence from the ranking on duty commander:



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- 1.) Place the officer on administrative duty;
 - 2.) Write a detailed report requesting a mandatory drug test be conducted on said officer; and
 - 3.) Request the Communications Unit to notify the Department Drug Testing Coordinator.
- c. A detailed verbal report shall be given to the Drug Testing Coordinator by requesting supervisor and must include a summary of the specific, observable facts that the officer may be under the influence of drugs. (A written report should be hand-carried to the Department Drug Testing Coordinator in the Office of the Chief, at the first available opportunity.)
- C. The Department Drug Testing Coordinator will then brief the Chief of Police and a decision will be made whether or not to order the requested drug test. The reasonable suspicion must be based on specific, observable facts that an officer may be under the influence on drugs.
- D. The Chief of Police shall have the discretionary authority, based on reasonable suspicion, to order an officer to submit to a mandatory drug test. (Command notification will begin after the Chief has given the order for a Reasonable Suspicion Drug Test.)

.05 MANDATORY DRUG TESTING PROGRAM

- A. As per the Collective Bargaining Agreement, one hundred percent (100%) of all officers of all ranks shall be susceptible to mandatory drug testing during each calendar year on a fair and impartial statistical basis at the City's expense.
- B. The Mandatory Drug Testing Program is designed and shall be administered to result in disciplinary action only against those officers who have violated the Department's rules, regulations, policies, or procedures.
- C. The Mandatory Drug Testing Program will be administered by the Drug Testing Coordinator, assigned to the Office of the Chief.

.06 SELECTION OF OFFICERS

- A. A computerized program certified as non-discriminatory and operated by an independent firm hired by the City shall be used to randomly select officers to be tested.
- B. Based on authorized manpower levels as of January 1st of each year, twenty-five percent (25%) of all officers will be randomly selected and tested during each year.
- C. The identification numbers (social security numbers) of the officers selected on a monthly basis by the independent firm (hereafter referred to as the "Company") will be provided to the Drug Testing Coordinator.
- D. The Drug Testing Coordinator will be responsible for notifying the Company of the identity of the officers selected for mandatory drug testing.

.07 OFFICER NOTIFICATION AND PRE-TESTING PROCEDURES

- A. A supervisory officer will notify officers selected for mandatory drug testing in accordance with Section .06 of their selection.
- B. The supervisory officer will have the officer selected for mandatory drug testing sign a written order by the Chief of Police, acknowledging the officer has been ordered to provide a urine specimen for testing.



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- C. If an officer selected for mandatory drug testing is unavailable due to being sick, attending court, on vacation, etc., he will be ordered to provide a urine specimen as soon as possible upon returning to work.
- D. Officers selected for drug testing will normally be contacted and asked to provide a specimen at the location where they work.
- E. Both the preliminary and the confirmation test will be performed at a SAMHSA/CAP FUDTP certified laboratory.

.08 MANDATORY DRUG TESTS

- A. Mandatory drug tests shall be conducted to detect the presence of marijuana, cocaine, opiates, amphetamine, and/or phencyclidines in urine specimens.
- B. Mandatory drug tests shall consist of a two-step procedure. The two steps are as follows:
 - 1. An initial drug screening test and, if necessary;
 - 2. A confirmation drug screening test.
- C. Failure of officers to provide urine samples or an attempt to alter, taint, or impair the validity of a urine sample for the initial drug screening test may be considered a refusal to submit to a mandatory drug test. A refusal would be a violation of Rule and Regulation 3.03A, *Insubordination*, and may lead to a recommendation for an officer's termination.
- D. The Chief of Police maintains the right to determine the duty status of officers who refuse to provide a urine specimen.

.09 INITIAL DRUG SCREENING TEST PROCEDURE

- A. When an officer is notified by a supervisory officer he has been selected for a mandatory drug test, the officer will cooperate fully with supervisors and representatives of the Company and provide a urine specimen.
 - 1. The officer shall be provided a restroom that is private and secure.
 - 2. The officer shall be permitted no more than four (4) hours to provide the sample.
 - 3. During this maximum four (4) hour period, officers will remain in the testing area under observation by the Company representative.
 - 4. Reasonable amounts of fluids may be given to officers to encourage urination.
- B. Officers will be required to provide a minimum of 45 milliliters (ml) of urine to be tested. The urine will be separated into two (2) samples, one 30 ml sample ("A" bottle) and one 15 ml sample ("B" bottle).
- C. When there is a reason to believe an officer may have altered or substituted a urine specimen to be provided, a second urine specimen shall be obtained under the direct observation of the Company representative.
- D. When an officer appears unable or unwilling to give a urine sample to be tested, the Company representative shall document the circumstances on the drug test report form.
- E. Failure of an officer to provide a urine sample may be considered a refusal to submit to a mandatory drug test.



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F. The five (5) drugs to be screened and the test cutoff levels in nanogram/milliliter are as follows:

	Drugs	Cutoff Levels
1.	Marijuana metabolite	50 ng/ml
2.	Cocaine metabolite	300 ng/ml
3.	Opiate metabolite	2,000 ng/ml
4.	Phencyclidine	25 ng/ml
5.	Amphetamines	1,000 ng/ml

G. Concentrations of a drug at or higher than the above levels shall be considered a positive test result on the initial drug screening test.

1. An initial positive test result will not be considered conclusive; rather, it will be classified as “confirmation pending.”
2. A positive test result on the initial drug-screening test will automatically require a confirmation drug test be performed.

H. Officers may, at their own expense, request to have the drug test administered at an approved physician’s office, provided the test is administered within five (5) hours after notification by the Chief. The Company representative will accompany the officer.

I. Officers have the right to request their urine sample be stored in case of legal disputes. If the officer requests, the urine sample will be submitted to the designated testing facility where the sample will be maintained for a period of one (1) year from the date the officer provided the urine sample.

.10 CONFIRMATION DRUG TEST PROCEDURE

A. The 30 ml sample of the officer’s urine will be used to conduct the initial drug screening test and if necessary; a confirmation drug test. The 15 ml sample of the officer’s urine will be stored in case of legal disputes.

B. Should a confirmation test be required due to a positive initial drug-screening test, the confirmation test procedure will be technologically different and more sensitive than the initial drug screening test. A five- (5) panel drug-screening test will be conducted on each drug test by the SAMHSA/CAP FUDTP certified laboratory selected to conduct the drug test.

C. The same five (5) panel drug screen test will be conducted on each confirmation drug test as was conducted on the initial test.

D. The five (5) drugs to be screened and the test cutoff levels in nanogram/milliliter for the confirmation drug test are as follows:

	Drugs	Cutoff Levels
1.	Marijuana metabolite	15 ng/ml
2.	Cocaine metabolite	150 ng/ml
3.	Opiates:	
	a. Morphine	2,000 ng/ml
	b. Codeine	2,000 ng/ml
	c. 6-Acetylmorphine	10 ng/ml



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4.	Phencyclidine	25 ng/ml
5.	Amphetamines:	
	a. Amphetamines	500 ng/ml
	b. Methamphetamine	500 ng/ml

- E. Concentrations of a drug at or higher than the above levels shall be considered a positive test result on the confirmation drug screening test.
- F. Where a positive drug test is confirmed, the officer's urine specimen shall be maintained in a secured, refrigerated storage until any disciplinary action has been finalized.
- G. A post-test interview shall be conducted by a medical review officer from the Company on any officer who has tested positive and the results confirmed. The post-test interview will be conducted in order to ascertain and document the recent use of prescription or non-prescription medicine and direct or indirect exposure to drugs that may result in a false positive test result.

.11 MANDATORY DRUG TEST RESULTS

- A. All original copies of mandatory drug test results and records shall be submitted to the Chief of Police in a sealed envelope by the Company.
- B. Any officer having a confirmed positive drug test result will be processed for disciplinary action in accordance with GM Procedure 303, *Disciplinary Procedures*. Disciplinary action could include a recommendation for an officer's termination.
- C. The Chief of Police maintains the right to determine the duty status, pending disciplinary action, of any officer refusing to provide a specimen or of any officer having a confirmed positive drug test result.

.12 CONFIDENTIALITY

- A. All records pertaining to mandatory drug testing shall remain confidential, except to the extent used in a disciplinary process and appeal.
- B. Drug tests results and records shall be stored in a locked file under the control of the Chief.
 - 1. The Chief will maintain original copies submitted by the laboratory.
 - 2. No access to drug test results and records shall be allowed without the written approval of the Chief.
- C. Any employee disclosing any information regarding the identity of an officer selected for mandatory drug testing, that the drug testing is scheduled, and/or the date on which the urine specimen is to be collected is subject to disciplinary action.