

Laurel Police Department – General Order  
Chapter I, Section 100, Order 151 – Substance Abuse  
September 9, 2016

**1 / 151.05 POLICY**

It is the policy of this Department that employees do not endanger public safety as a result of substance abuse.

**1 / 151.10 PURPOSE**

To establish testing and disciplinary procedures for all members of the Laurel City Police Department, that will promote public and employee safety and protect the privacy rights of employees.

**1 / 151.15 DEFINITIONS**

Abuse	Use of an illegal substance Use of prescription drugs in a manner other than that prescribed by a licensed physician, or in a manner inconsistent with its medically prescribed or intended use, or under circumstances where use is not permitted. Use of non-prescription drugs in a manner other than that suggested by the manufacturer, or prescribed by a physician, which impairs job performance. Use of alcohol while performing one's duties, or use of alcohol that impairs job performance. Use or possession of alcohol contrary to the Criminal Laws of the State of Maryland. The intentional use of any substance, legal or illegal, which impairs job performance.
Alcohol	ethyl alcohol or ethanol.
Drugs	All substances (narcotic and non-narcotic) which are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to Maryland Annotated Code, Article 27, sections 276 through 302; and Any substance other than alcohol, which may impair one's mental faculties, mood and/or physical performance.
Reasonable Suspicion	the existence of facts and the rational inferences which may be drawn from such facts or an objective base of knowledge sufficient to induce an ordinary, prudent and cautious person under the same circumstances to believe that a person may be selling, purchasing, transferring, possessing, using, or abusing alcohol or drugs in any way that is illegal or a violation of this policy, or that a drug abuse test of an employee will produce evidence of illegal use of drugs.
Substance	alcohol or drugs.

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**1 / 151.20 PROCEDURES**

**A. GENERAL**

1. Recognizing that employees who abuse substances, on or off-duty, tend to be less productive, less reliable and pose a greater threat to public and employee safety, the Department is committed to maintaining a work environment that is untainted by substance abuse.
2. All Employees shall adhere to the following requirements. No Employee shall:
  - a. Manufacture, distribute, dispense, possess, or use a controlled substance.
  - b. Report to work, or be at work, or on-duty while under the influence of drugs or alcohol.
  - c. While undertaking official business, purchase, transfer, use, or possession of drugs or abuse of alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland.
  - d. Consume alcohol while in uniform, displaying the insignia of the Department, or while operating a City owned vehicle.
  - e. Use alcohol while operating a City owned or utilized vehicle.
3. No Employee may abuse a substance as defined in this Substance Abuse Policy.
4. All Employees who are convicted of off-the-job drug or criminal alcohol offenses will be in violation of this policy.
5. Any Employee arrested for any criminal drug violation, DWI, DUI, or serious motor vehicle offenses, must report the arrest or offense to their immediate supervisor within five (5) days of that arrest or offense.
6. All Employees shall cooperate fully with law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use.
7. Employees may use alcohol while on-duty when involved in approved covert operations, but only when supervisory approval for such use is obtained. Moderation shall be maintained at all times in these circumstances.

**B. DRUG AND ALCOHOL SCREENING**

1. Prior to appointment, all employees shall receive a medical examination that shall include a drug screen.
2. All police department employees will be subject to random drug testing in accordance with Human Resources Policy on Drugs & Alcohol (#5-005.00).

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3. In an effort to ensure the credibility of property and drug handling responsibilities, all personnel assigned to the Property and Evidence Section, Special Enforcement Unit and the Crime Lab shall be subject to unannounced polygraph examinations as well as all procedures set forth in this Order.
4. Where a reasonable suspicion of substance abuse exists, all Employees shall be required to undergo drug and alcohol testing, under direct observation.

C. POLICY ADMINISTRATION

1. The Chief of Police is responsible for the adherence to and the implementation, enforcement, and monitoring of this policy.
2. The Chief of Police or his/her Designee shall be responsible for the following:
  - a. Training all Designated Employees involved in the implementation of this Substance Abuse Policy.
    - 1) Such training shall include instruction on the conditions for testing for substances, confidentiality requirements, the impact of positive test results and the appeal rights of employees.
  - b. Informing employees who refuse to be tested that refusal may result in disciplinary action, which may include termination.
  - c. Informing employees of the consequences of a positive test result.
  - d. Coordination of drug and alcohol screening where a reasonable suspicion of substance abuse exists.
  - e. Coordination of the substance screening record keeping process.
  - f. Informing Employees of test results.
3. Employees shall:
  - a. Upon receipt of written notification from their supervisor or other commanding officer, report for urinalysis or breathalyzer (Intoximeter) testing at such time and place set forth in the written notification.
  - b. Present their Departmental identification card to personnel at the collection center designated by the City.
  - c. Complete all forms and provide all medical information related to the screening examination requested by personnel at the collection center designated by the City.
  - d. Immediately report to their supervisor any accidental exposure to any drug as defined by this policy.
  - e. Immediately seek medical treatment when exposed to any drug defined by this policy.
  - f. Immediately write a Commander's Report to their supervisor when accidentally exposed to any drug as defined in this policy.
  - g. Notify their supervisors in writing when they are taking prescription or non-prescription medications which may affect performance and/or behavior, and shall identify the type of medication being taken as well as the effects which the medication may have on performance and/or behavior.

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D. TESTING PROCEDURES

1. Drugs - The Department, through the City Personnel Officer, shall utilize independent collection facilities and laboratories for all urinalysis testing to determine drug abuse under this policy.
  - a. The City shall utilize only those laboratories which are certified or approved by the Health General, Annotated Code of Maryland and collection facilities and laboratories, which follow guidelines endorsed by the U.S. Department of Health and Human Services.
  - b. The Department shall be given notice thirty days prior to a change in collection or laboratory contractors and shall be given an opportunity to view the facilities of any new contractor selected by the City to provide collection or laboratory services relating to the testing program.
  - c. Alcohol - Where a reasonable suspicion of alcohol abuse exists, breathalyzer (Intoximeter) examinations shall be performed under the direction of a supervisor by a State certified operator.
  
2. Substances subject to testing:
  - a. Any drug testing programs shall test for marijuana, cocaine, opiates, phencyclidine, and amphetamines.
  - b. When testing is conducted upon "reasonable suspicion", the Department may test for any substance.
  
3. Testing Methodologies:
  1. Drugs:
    - a. The initial tests shall use immunoassay techniques outlined in the guidelines promulgated by the U.S. Department of Health and Human Services.
    - b. The confirmatory test shall be Gas Chromatography-Mass Spectroscopy (GC-MS).
  
  2. Alcohol:
    - a. Tests undertaken to determine alcohol abuse shall utilize breathalyzer (Intoximeter) techniques.
  
  3. Testing Levels:
    - a. Drugs:
      - 1) An initial screening test shall be deemed positive if the result for any of the five (5) drugs or classes of drugs screened in the random testing program is determined to be at or above the following levels: (ng/ml)
        - a) Marijuana / Cannabinoids (THC): 100
        - b) Cocaine: 300
        - c) Opiates: 300
        - d) Phencyclidine (PCP): 25
        - e) Amphetamines: 1,000

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- b. Confirmatory test levels for the same drug shall be as follows: (ng/ml)
  - 1) Marijuana / Cannabinoids (THC): 15
  - 2) Cocaine: 150
  - 3) Opiates:
    - (a) Morphine: 300
    - (b) Codeine: 300
  - 4) Phencyclidine (PCP): 25
  - 5) Amphetamines:
    - (a) Amphetamine: 500
    - (b) Methamphetamine: 500
  
- c. Alcohol - a breathalyzer (Intoximeter) test result which reveals that there is in the person's blood at the time of testing, .01 percent or more by weight of alcohol, shall be deemed positive.

E. TESTING RESULTS

- 1. Maintenance of Test Results - Testing results shall be forwarded by the independent laboratory to the Office of the Chief of Police where the results will be maintained in a confidential manner
  
- 2. Negative Test Results - The Chief of Police will advise the employee being tested of a negative test result.
  
- 3. Positive Test Results - The Chief of Police will advise the employee being tested of any positive test results.
  - a. The Chief of Police shall also, in the case of a positive test result, advise the tested employee of their right to request independent testing of the same sample taken from the employee for verification of the presence of any prohibited substance by a laboratory certified and licensed in accordance with the laws of the State of Maryland, and of the time period within which they must exercise such right.
  - b. An Employee who refuses to be tested shall be subject to discipline in accordance with the Law Enforcement Officer's Bill of Rights (LEOBR), such discipline to include termination, and shall be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.
  - c. An Employee who tests positive for abuse of any drug shall be subject to discipline in accordance with the LEOBR, such discipline to include termination, and shall be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.

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- d. An Employee who tests positive for the abuse of alcohol shall be subject to discipline in accordance with the LEOBR, including termination, consistent with the employee’s work history, length of employment, current job performance, past disciplinary actions, and job assignment.
- e. An Employee who is convicted of off-the-job drug offenses shall be subject to discipline in accordance with the LEOBR, such discipline to include termination, and shall be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.
- f. An Employee who is convicted of off-the-job criminal alcohol offenses shall be subject to discipline in accordance with the LEOBR, such discipline to include termination, and shall be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.

**1 / 151.25 GOVERNING LEGISLATION AND REFERENCES**

CALEA Standards 26.1.1, 52.2.6

**1 / 151.30 ANNEX**

None