



Policy 1720

Subject

DRUG URINALYSIS TESTING PROGRAMS

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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to ensure the integrity of the BPD and to preserve public trust in fit law enforcement employees. To accomplish this, the BPD has implemented a Drug Testing Program for its employees.

PURPOSE

The purpose of this policy is to provide all employees with notice of the provisions of the BPD's Drug Testing Program.

NOTE: When a member takes any type of medication, which might impair judgment or prohibit a member from performing regular duties, that member must notify his or her immediate supervisor and advise that supervisor of the specific medication being taken. Upon notification, the supervisor will give the individual member further instructions.

DEFINITIONS

Member — (For the purpose of this Policy) All sworn personnel and civilian personnel who are involved in drug interaction.

Accidental Exposure — See Policy 810, *Bloodborne Pathogens and Human Bites*.

Annual Testing — Because of the sensitivity of their assignments, employees of Specialized Units, as mentioned in this Policy, must receive annual testing.

Laboratory — Location where chemical specimens are tested. Only federally approved, certified forensic laboratories are used to test specimens from the BPD. The laboratory must hold a valid Maryland permit or, if it is located outside of the State of Maryland, it must be certified or otherwise approved under *Md. Code Ann., Health General Art. § 17-214*.

MRO — Medical Review Officer, the Medical Director for the BPD.

PSI — Public Safety Infirmary

Random Urinalysis Test — Based on a random selection process, members are selected to submit a urine sample at PSI/Mercy Medical Center. The sample is sealed and sent to an off-site laboratory for testing.

Reasonable Suspicion Test — Used when a member is ordered by a permanent-ranking supervisor to submit to a chemical test. The urine specimen is screened immediately at PSI/Mercy Medical Center at which time the results are relayed to the supervisor on the scene. The urine sample is then sent to an off-site laboratory to confirm the results.

ACCIDENTAL EXPOSURE

Member

1. When accidentally exposed to or contaminated by any type of CDS or other hazardous substance:
 - 1.1. Promptly seek medical treatment, when necessary.
 - 1.2. Immediately report the incident to your supervisor.
 - 1.3. Write an Administrative Report, Form 95 to your Commanding Officer, detailing the circumstances of the incident.

Supervisor

1. When notified that a subordinate has been exposed to or contaminated by any CDS or other hazardous substances:
 - 1.1. Ensure prompt medical treatment has been obtained, when necessary.
 - 1.2. Investigate the circumstances surrounding the incident, ensuring the proper collection of evidence and photographs.
 - 1.3. Prepare an Administrative Report, Form 95, detailing the results of your investigation along with an EIR (Employee Incident Report).
 - 1.3.1. Send copies of both forms to the Department Safety Officer.
 - 1.3.2. When appropriate, make a Blue Team entry.
 - 1.4. Call Key Risk Management at 1-877-607-8600.

ANNUAL TESTING

NOTE: All sworn and civilian personnel who are directly involved in handling, testing, and storing of Controlled Dangerous Substances are subject to random urinalysis testing and annual testing.

1. Assignment or detail to one of the following units requires an annual urinalysis, in addition to the random testing process:
 - 1.1. Operation Intelligence Section

- 1.2. Office of Professional Responsibility (OPR) and Internal Affairs Section (IAS) (with the exception of civilian personnel)
- 1.3. Equal Opportunity and Diversity Section (EODS) (with the exception of civilian personnel)
- 1.4. Property Section
 - 1.4.1. Evidence Control Unit
- 1.5. Criminal Investigation Division (CID)
 - 1.5.1. Crime Laboratory Section
 - 1.5.1.1. CDS Chemists
 - 1.5.1.2. Chemistry Section Supervisors
 - 1.5.1.3. Drug Section Supervisors
 - 1.5.1.4. Latent Print
 - 1.5.1.5. DNA Technician
 - 1.5.2. Task Forces and HIDTA
 - 1.5.3. Vice
 - 1.5.4. Special Enforcement Section
 - 1.5.5. Criminal Intelligence Section
- 1.6. Neighborhood Patrol Bureau
 - 1.6.1. District Flex Squads
 - 1.6.2. District Drug Units

Member

1. When a leave day (including H-days) is the day of notification, and it was approved prior to the date of notification, members are not to respond for testing. In the event that a member is returning from pre-approved leave, members are not required to respond until they are on-duty. Members shall report the first working day upon their return from leave.
2. Present your BPD identification card to testing personnel at the Mercy Medical Center/PSI and advise them of your assignment.
3. Sign your name in the log book at the PSI reception desk, during business hours.
4. Complete and sign the medical information form. Seal the envelope and write your

signature across the seal. Write your home telephone number next to your signature.

5. Provide a urine specimen, as directed by testing personnel.
6. If for medical reasons you are unable to supply a urine specimen, you will remain at the test site to be further evaluated by a physician.

NOTE: Failure to respond for testing or failure to supply a urine sample without a medical reason shall be deemed insubordinate and might lead to a disciplinary action and/or suspension.

Supervisor

1. Upon notification from your Commanding Officer or Medical Unit personnel that one of your subordinates failed to respond to the PSI, was late responding, or refused to supply a urine specimen:
 - 1.1. Initiate an administrative inquiry of the circumstances in accordance with established BPD procedures.
 - 1.1.1. Complete a Blue Team entry.
 - 1.2. Prepare an Administrative Report, Form 95, detailing the circumstances surrounding the incident and the action(s) taken.
 - 1.3. Forward copies of your report to:
 - 1.3.1. Your Commanding Officer.
 - 1.3.2. Director, OPR.
 - 1.4. If a member refuses to provide a specimen for a chemical test, that member is in violation of Policy 302, *Rules and Regulations*, Rule 1, Section 14, which states, "No member of the Department shall willfully disobey a lawful command or order, either verbal or written, of any superior or other member so designated to command." Additionally, this will result in his or her police powers being suspended in accordance with the provisions of the Law Enforcement Officers' Bill of Rights and policies of this agency.

Commanding Officer

1. When notified by the Medical Unit of those personnel under your command, who are to respond for testing:
 - 1.1. Verify the member's duty status.
 - 1.2. Notify the appropriate supervisor to have the member respond for testing.
 - 1.3. Ensure Form PE/323, "Order to Submit to Urinalysis for Controlled Dangerous Substances" is properly addressed, signed and a copy given to the member to be tested.

2. The white copy of Form PE/323 accompanies the member to the PSI's test site.
3. When notified by the Medical Unit of the non-response by a member of your command, order the member to respond and supply a urine specimen.
4. When notified by the Medical Unit of a refusal by a member of your command, order the member to respond and supply a urine specimen.
5. If a member refuses to provide a urine specimen, that member is in violation of Policy 302, *Rules and Regulations*, Rule 1, Section 14, and will have his or her police powers suspended immediately. (See Policy 304, *Suspension Procedures*)
6. Upon notification by the Director, Human Resources Section, of a positive laboratory finding on either random or Reasonable Suspicion test results of one of your personnel, you must:
 - 6.1. Suspend the member's police powers. (See Policy 304, *Suspension Procedures*)
 - 6.2. Assign the member to duties, which do not entail the carrying of a firearm or involve the handling, testing and/or storing of Controlled Dangerous Substances, or driving a BPD vehicle pending the outcome of the BPD's administrative disciplinary process.
7. Review the circumstances and initiate the appropriate disciplinary action for violations of this order in accordance with established BPD disciplinary procedures.

RANDOM URINALYSIS TEST

Member

1. Upon notification by your supervisor or Commanding Officer, read and sign a copy of Form PE/323, "Order to Submit to Urinalysis for Controlled Dangerous Substances" and respond to the Public Safety Infirmary. In the event of after business hours notification, respond to the Mercy Medical Center's Emergency Room.
2. Upon receiving notification to submit to a urinalysis test, members must respond immediately to the Mercy Medical Center/PSI's testing site. If there are exigent circumstances (e.g. the member is in court), which do not permit the member to respond immediately, the member should advise their command and be guided by their command.
3. When a leave day (including H-days) is the day of notification, and it was approved prior to the date of notification, members are not to respond for testing. In the event that a member is returning from pre-approved leave, members are not required to respond until they are on-duty. Members who are required to be tested once per year shall report the first working day upon their return from leave.
4. Present your BPD identification card to testing personnel at the Mercy Medical Center/PSI and advise them of your assignment.
5. Sign your name in the log book at the PSI reception desk, during business hours.
6. Complete and sign the medical information form. Seal the envelope and write your signature across the seal. Write your home telephone number next to your signature.

7. Provide a urine specimen, as directed by testing personnel.
8. If for medical reasons you are unable to supply a urine specimen, you will remain at the test site to be further evaluated by a physician.

NOTE: Failure to respond for testing or failure to supply a urine sample without a medical reason shall be deemed insubordinate and might lead to a disciplinary action and/or suspension.

Supervisor

1. When notified a subordinate is to respond to the PSI for random testing, personally notify the member to respond for testing promptly in accordance with the prescribed reporting time after witnessing the reading and signing of Form PE/323, "Order to Submit to Urinalysis for Controlled Dangerous Substances."
2. If notification cannot be made:
 - 2.1. Promptly notify the Medical Unit.
 - 2.2. Notify your Commanding Officer as soon as practical.
 - 2.3. Submit an Administrative Report, Form 95 along with a Blue Team Entry explaining attempts to notify the subordinate and the reasons the notification could not be made.
3. Upon notification from your Commanding Officer or Medical Unit personnel that one of your subordinates failed to respond to the PSI, was late responding, or refused to supply a urine specimen:
 - 3.1. Initiate an administrative inquiry of the circumstances in accordance with established departmental procedures.
 - 3.1.1. Complete a Blue Team entry, when appropriate.
 - 3.2. Prepare an Administrative Report, Form 95, detailing the circumstances surrounding the incident and the action(s) taken.
 - 3.3. Forward copies of your report to:
 - 3.3.1. Your Commanding Officer
 - 3.3.2. Director, OPR.
 - 3.4. If a member refuses to provide a specimen for a chemical test, that member is in violation of Policy 302, *Rules and Regulations*, Rule 1, Section 14, which states, "No member of the Department shall willfully disobey a lawful command or order, either verbal or written, of any superior or other member so designated to command." Additionally, this will result in his or her police powers being suspended in accordance with the provisions of the Law Enforcement Officers' Bill of Rights and policies of this agency.

Commanding Officer

1. When notified by the Medical Unit of those personnel under your command, who are to respond for testing:
 - 1.1. Verify the member's duty status.
 - 1.2. Notify the appropriate supervisor to have the member respond for testing.
 - 1.3. Ensure Form PE/323, "Order to Submit to Urinalysis for Controlled Dangerous Substance" is properly addressed, signed and a copy given to the member to be tested.
2. The white copy of Form PE/323 accompanies the member to the PSI's test site.
3. When notified by the Medical Unit of the non-response by a member of your command, order the member to respond and supply a urine specimen.
4. When notified by the Medical Unit of a refusal by a member of your command, order the member to respond and supply a urine specimen.
5. If a member refuses to provide a urine specimen, that member is in violation of Policy 302, *Rules and Regulations*, Rule 1, Section 14, and will have his or her police powers suspended immediately.
6. Upon notification by the Director, Human Resources Section, of a positive laboratory finding on either random or Reasonable Suspicion test results of one of your personnel, you must:
 - 6.1. Suspend the member's police powers.
 - 6.2. Assign the member to duties, which do not entail the carrying of a firearm or involve the handling, testing and/or storing of Controlled Dangerous Substances, driving a BPD vehicle pending the outcome of the BPD's administrative disciplinary process.
7. Review the circumstances and initiate the appropriate disciplinary action for violations of this policy in accordance with established departmental disciplinary procedures.

REASONABLE SUSPICION**Member**

In keeping with established departmental policy, no member of the agency shall report for duty under the influence of an intoxicating beverage or consume intoxicating beverages while on duty (Policy 302, *Rules and Regulations*, Rule 1, Section 26, grants an exception which states, "Only in cases requiring such action to carry out a duty assignment shall authority be granted to violate this rule."). No member of the agency may indulge in the use of Controlled Dangerous Substance (CDS) as defined in the CDS Act.

Supervisor

1. If a member under your supervision or command is accused of consuming intoxicating

beverages or the unlawful use of a controlled dangerous substance while on duty, the supervisor must immediately contact the accused member and advise that member not to operate any BPD vehicles. The supervisor must then respond to the accused member's location and transport the member to the PSI/Mercy Medical Center for appropriate testing.

2. Accompany the accused member to the PSI and order the member to submit to a urinalysis examination.
 - 2.1. After 1600 hours, respond to Mercy Medical Center's Emergency Room.
 3. When an enforcement action taken by a member under your supervision or command results in the use of deadly force:
 - 3.1. In accordance with Addendum F of the Memorandum of Understanding, dated February 1, 2012, "In the event that a member shall be investigated for an on-duty use of deadly force (including but not limited to discharging of a firearm), the member shall not be required to submit to drug screening and/or alcohol testing unless there is reasonable suspicion to believe the member acted under the influence of drugs and/or alcohol. Changes to this standard are reserved to the Police Commissioner and may be changed at his/her discretion."
 - 3.2. In the event that a member shall be investigated for an off-duty use of deadly force (including but not limited to discharging of a firearm), the highest permanent-ranking supervisor on the scene will order the member to submit to appropriate chemical test(s).
 4. When a member of the BPD is ordered to submit to a chemical test, ensure the Shift Commanders of the district are immediately notified where the incident occurred, where the incident is being investigated, and where the member is assigned. These supervisors may be present while the test is administered. However, if a delay is encountered or anticipated, you must proceed with the test.
 5. Circumstances permitting, the chemical test will be conducted under the supervision of an officer at least two permanent-ranks above that of the member submitting to the test.
 6. The ranking officer must remain at the site with the submitting officer until the testing is completed and the results are available.
 7. When notified by a subordinate member that he or she is taking any type of medication, contact the Medical Unit to find if the medication will affect the member's work performance.
 - 7.1. Upon notification the medication a member is taking could affect his or her work performance, immediately remove that member from any operational function and place the member in a non-operational function until the Medical Review Officer authorizes return to full duty. Do not allow the member to drive an agency vehicle.
- NOTE:** If the member's firearm needs to be secured due to the effects of the medication being taken, the Medical Unit will advise the supervisor at the time of notification.
8. All sworn and civilian personnel who are directly involved in handling, testing, and storing of Controlled Dangerous Substances are subject to random urinalysis testing.

Public Safety Infirmiry Technician

1. Check the responding member's departmental identification to verify the member has been ordered to take the test and is on the daily drug testing list.
2. Provide the member with the appropriate Medical Information Form.
3. Provide the member with a chain of custody form, listing the name and address of the laboratory that will test the specimen.
4. Collect and process urine specimens in accordance with the 49CFR-PT40 Federal Regulations for collecting and sealing urine samples.
5. Place properly collected specimen in the designated lock box to be picked up by a laboratory courier.

Test Results

1. Reasonable Suspicion test results are screened immediately at the PSI at which time the results are relayed to the supervisor on the scene. Negative result specimens are destroyed immediately and positive result specimens are sent to an approved forensic laboratory for confirmation.
2. Random test results are collected and sealed at the PSI and then sent to an approved forensic laboratory to be tested.

Medical Liaison Unit

1. When a member of the agency fails to respond at the designated time or refuses to provide the requested urine specimen, promptly notify that member's Commanding Officer.
2. Late arrivals shall be given the opportunity to supply a specimen; however, the member's Commanding Officer shall be notified of the lateness.
3. Regarding possible tampering or contamination of the urine sample, review the circumstances, and when appropriate:
 - 3.1. Have the test subject provide another urine specimen. This submission will be witnessed.
 - 3.2. Prepare a Blue Team entry and an Administrative Report, Form 95, detailing the circumstances of the suspected tampering or contamination, and forward the report to:
 - 3.2.1. Director, Human Resources Section
 - 3.2.2. Chief, OPR
 - 3.2.3. Member's Commanding Officer

Medical Review Officer (MRO)

1. Upon receipt of a positive test result from the forensic laboratory:
 - 1.1. Notify the member to respond to the PSI, located at the Mercy Medical Center, at an appointed time by telephoning the member's home or place of assignment.
 - 1.2. Meet with the member as soon as possible and discuss the results of the test.
 - 1.3. Give the member a copy of the Forensic Urine Drug Test Report, indicating the test results.
 - 1.4. Upon determining that the positive finding resulted from abuse or misuse of CDS, immediately notify the Director, Human Resources Section.

NOTE: The Medical Liaison officer shall contact OPR and assist with the Blue Team entry.

Human Resources Section

1. Supply the BPD sequence numbers and names of persons, subject to testing, to the Baltimore City Mayor's Office of Information Technology. A computerized random selection process, beyond the control of the department, is utilized to select individuals to be tested.
 - 1.1. The Baltimore City Mayor's Office of Information Technology will supply data to PSI for specialized units once a year for mandatory testing. Data for general randomized drug testing will be supplied twice a year.
2. Ensure procedures, related to Medical Section personnel, are performed in accordance with current legal and administrative mandates.
3. Ensure all reports, pertaining to a urinalysis, are stored in a secure and confidential manner and the chain of custody of all samples is maintained.
4. When notified by the Medical Review Officer or a designee of a positive presence of CDS in a member's urine specimen as the result of misuse of CDS, promptly notify:
 - 4.1. The member's Division Chief.
 - 4.2. The member's Commanding Officer.
 - 4.3. Director, OPR.
5. Make a Blue Team entry.

Office of Professional Responsibility

1. When appropriate, ensure a "Control Number" is assigned to situations involving lateness, non-response, refusal, contamination of sample or a positive finding, resulting from abuse or misuse of CDS.
2. Investigate violations in keeping with established departmental disciplinary procedures. Ensure

positive test results from random urinalysis testing are not used in any criminal prosecution.

3. Ensure Blue Team entries have been made.

Chief Legal Advisor

Ensure departmental procedures for “Random Drug Testing” conform to current legal and administrative mandates.

RESCISSION

Remove and destroy/recycle Policy 1720, *Drug Urinalysis Testing Programs*, dated 20 March 2014.

COMMUNICATION OF POLICY

This Policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.