



# Boulder Police Department Policy and Procedure

	<b>Subject:</b> Use of Alcohol, Medications, and Controlled Substances		<b>General Order:</b> 125
	<b>Effective:</b> October 23, 2024  <b>Reviewed:</b> October 15, 2024	<b>Replaces:</b> GO 125 October 30, 2014,	<b>Approved by:</b>  Chief Stephen Redfearn
<b>General Order Topic(s):</b> <b>125-1</b> Use of Alcohol <b>125-2</b> Use of Medications or Controlled Substances <b>125-3</b> Use of Marijuana <b>125-4</b> Chemical Testing <b>125-5</b> Employee Rights <b>125-6</b> Removal from Duty <b>125-7</b> Testing Positive <b>125-8</b> Pre-Employment Drug Screening		<b>Accreditation Standard(s):</b> N/A  <b>Statutory References:</b> C.R.S B.R.C 12.3.1 et seq  <b>Related General Orders:</b>	

## POLICY

The department recognizes that the consumption of alcohol, medications, and controlled substances can reduce work performance, be a source of danger to members, coworkers, and the public, and cause a loss of confidence in the public. Because of these impacts, the department regulates its members' use of alcohol, medications, and controlled substances.

## PROCEDURES

### **125-1 Use of Alcohol**

#### A. On duty

1. Members do not appear for scheduled duty, nor are they on duty, with alcohol in their system. In a call-back situation during a law enforcement emergency, members use reasonable judgment when evaluating whether they should respond based on any alcohol they have consumed. Under no circumstances do members respond if they have a reasonable belief they are impaired by or under the influence of alcohol.
2. Members do not consume alcohol during any unpaid meal break or other break in their workday.
3. Members do not consume alcohol while on duty, except while in plain clothes and under proper and specific orders from a supervisor for law enforcement purposes.

B. Off duty

1. Members off duty refrain from consuming alcohol to the extent that the consumption results in behavior that tends to discredit the department or renders them unfit to report for their next regular tour of duty.
2. Members do not consume alcohol while attired in full or partial uniform or while wearing official identification which is readily identifiable with the Boulder Police Department.
3. Members do not consume alcohol while carrying any type of firearm on their person.

C. Possession of alcohol

Members do not store or bring into any police facility or vehicle any alcoholic beverage except when it is held as evidence or when necessary, in the performance of a police task.

**125-2 Use of Medications or Controlled Substances**

- A. Members do not possess or use any controlled substance except as follows.
1. When such use is prescribed by a person authorized by the State of Colorado to prescribe drugs.
  2. When such possession is in the line of duty, such as the collection or handling of evidence.
- B. Members who have been prescribed or have consumed medications that affect their ability to perform their duties must notify their supervisor.

**125-3 Use of Marijuana**

Members do not use, possess, distribute, or grow marijuana in any form, including but not limited to any and all derivatives from marijuana plants, unless such possession is in the line of duty. Members are prohibited from owning, operating, or having any interest in marijuana or a marijuana-related business. While the use of recreational and medical marijuana is legal in the State of Colorado, it is not appropriate for members to use marijuana for the following reasons:

- A. Possession, use, distribution, or cultivating marijuana is illegal under federal law and in violation of department rule #2.
- B. There are real public and employee safety concerns should a member be under the influence of tetrahydrocannabinol (THC), the active ingredient in marijuana. The short and long-term effects of marijuana use are well documented. These effects can have serious detrimental consequences to critical thinking skills as well as officer and public safety. These effects include:
1. Distorted perception
  2. Adverse impact on memory and learning
  3. Negative impact on cognitive abilities
  4. Diminished reaction time
  5. Loss of coordination
  6. Trouble with problem-solving; and

7. In some cases, feelings of anxiety, fear, distrust, and/or panic.
- C. THC can remain in the body for days or weeks after consumption, placing the department and city at risk of liability should a member be involved in a critical incident with THC in his/her system.

#### **125-4 Chemical Testing**

In conformance with Boulder Municipal Ordinance and the Federal Drug-Free Workplace Act, the department fairly and equitably administers chemical testing to its employees who, based upon reasonable suspicion, are believed to be under the influence of any drug or alcohol, to any degree, while on duty.

- A. Any member with reasonable suspicion that any other member is under the influence of a drug or alcohol reports his/her observations to a supervisor.
- B. After giving the member an opportunity to respond, a supervisor may require the member to submit to a chemical test for alcohol or drug use when the following conditions are met.
  1. At the time of the request to take a chemical test a supervisor has individualized reasonable suspicion, based upon specific, objective, clearly expressed factors, to believe that the employee is under the influence of drugs or alcohol, to any degree, while on duty. These factors may include, but are not limited to:
    - a. Odor of an alcoholic beverage
    - b. Bloodshot, watery eyes
    - c. Slurred speech
    - d. Impaired manual dexterity; and/or
    - e. Preliminary breath test.
  2. The facts supporting the supervisor's reasonable suspicion are documented in writing and presented to the member at the time the test is ordered, along with a copy of B.R.C. Title 12, Chapter 3, 1981 (attached).
- C. Testing procedures are conducted in a manner that does not unduly demean, embarrass, or cause unnecessary physical discomfort to the member.
  1. Drug testing
    - a. Based upon reasonable suspicion that a member is under the influence of drugs, to any degree, the member shall submit to a blood test or other approved test to determine the presence of drugs.
  2. Alcohol testing
    - a. Based upon reasonable suspicion that a member is under the influence of alcohol, to any degree, the member shall submit to a preliminary test on a portable breath tester and a blood test or other approved test, to determine the presence of alcohol.
    - b. Department of Health regulations prohibit the use of the intoxilyzer for non-DUI related tests and members shall not use this instrument for tests conducted pursuant to this General Order.
  3. Collection of samples and chain of custody
    - a. The room where the sample is obtained must be private and secure. The

- supervisor documents that the area has been searched and is free from any foreign substances that may be introduced to the sample.
- b. The collection of any blood sample shall be conducted according to current department practices for the collection of blood samples and two vials shall be collected.
  - c. The collection of any urine sample is accomplished without direct observation of the genitals by any person other than the member being tested.
  - d. A sufficient sample is collected to perform two tests. One untested portion is maintained for an independent test or for a period of not less than one year following the date on which the specimen is collected.
  - e. For purposes of chemical testing, samples are only tested for the presence of alcohol or drugs.
  - f. The collection, storage, and transportation of the sample is accomplished in tamper-proof containers. The sample is stored in accordance with current department practices.
  - g. Specimen samples are sealed, labeled, and documented to ensure they match the person taking the test, with a chain of custody documentation identifying how the sample was handled and stored at all times.
  - h. Specimen samples are tested by a laboratory meeting the standards set by the Colorado Department of Health.
  - i. The member, at his/her expense, may contract with a laboratory meeting the standards of the Colorado Department of Health to have an independent test performed on an untested portion of the original sample, subject to the same chain of custody assurances provided for the original test.
4. The release of test results is prohibited except as authorized by the person tested or to those members of the department with a reasonable business need to know, or as required by a court of law.

#### **125-5 Employee Rights**

- A. A supervisor who has reasonable suspicion to believe that a member is under the influence of drugs or alcohol, to any degree, immediately orders the member to submit to a chemical test.
- B. The affected member has up to one hour, after being ordered to take a chemical test, to comply with such an order. During this time, the member may confer with an attorney and/or union representative.
- C. A member may refuse to submit to a chemical test when ordered by a supervisor, however, a refusal to comply with a lawful order subjects the member to additional disciplinary action.

#### **125-6 Removal from Duty**

A member whose chemical test results are positive or unknown is placed on administrative leave with pay pending review by the Chief of Police.

### **125-7 Testing Positive**

Employees are provided with all records maintained of the employee's positive confirmation of the test results and may submit written information explaining such results. Employees who test positive for drug or alcohol use are subject to the department's conduct review process and are referred to the Professional Standards Unit for investigation.

### **125-8 Pre-employment Drug Screening**

The department conducts pre-employment drug screening of applicants for the position of police officer and other positions as determined by the Chief of Police. Notice is included in the employment application that a chemical test for alcohol and drug use will be conducted.