



Colorado Springs Police Department General Order

1826 Drug Testing of Civil Service Employees

Section 1800 – Personnel Functions

Effective Date: 6/16/2022
Supersedes Date: 1/16/2021

.01 Purpose

The purpose of this policy is to identify drug-testing procedures for sworn personnel.

.02 Cross Reference

[GO 600 Complaints and Internal Investigations](#)
[City of Colorado Springs Drug/Alcohol Procedures Manual](#)

.03 Discussion

The CSPD has a paramount interest in protecting its employees, and the public they serve, by providing a safe and drug/alcohol free working environment.

The professional responsibilities and integrity of the department demand that employees refrain from illegal drug use, or the abuse of any drug or alcohol, and remain free of the negative consequences of that abuse. The respect and status of the department and its employees can quickly be lost when allegations are made that drug or alcohol abuse may exist within the department. Testing employees for drug abuse is critical to ensuring that these values are maintained.

The department, therefore, establishes this policy for civil service employees to outline the procedures for testing for improper drug/alcohol use.

Civilian employees of the department are covered under the Drug or Alcohol in The Workplace policy, contained in the Personnel Policies and Procedures Manual and the Drug/Alcohol Fitness for Duty Manual.

The Drug/Alcohol Procedures manual states:

- An employee is prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace or on city property.

- An employee who reports to work under the influence of or whose performance is impaired through the use of alcohol or drugs is subject to corrective action in accordance with city policies and procedures, up to and including termination.
- Marijuana is a prohibited drug in Schedule I of the Controlled Substances Act, and it remains a violation of city policy for any employee to use marijuana.

.04 Policy

It is the policy of the CSPD that employees will not possess, manufacture, dispense, use, or be under the influence of any controlled substance, whether on or off duty, unless the substance has been legally prescribed to the employee by a physician or other authorized health practitioner licensed to do so.

Employees may not use, possess, or be under the influence of alcohol while on duty, during meal breaks, or when performing police duties outside normal working hours. Exceptions may be granted during certain assignments, with the approval of the employee's commander.

.05 Definitions

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.10 Pre-Employment Drug Testing

Applicants will be subject to testing at any time during the selection process. Police applicant testing procedures will be conducted, in accordance with the appropriate Civil Service Commission regulations, and the City of Colorado Springs procedures for pre-employment testing.

Scheduling and release of results

All pre-employment drug testing will be scheduled by and/or coordinated through the CSPD human resources department.

Negative results of the test will be confidentially communicated to the CSPD human resources department.

Positive results will only be communicated to the CSPD human resources manager. Human resources will not release the results of the pre-employment drug test to anyone other than the applicant and the selecting authority.

Reasons for failing a pre-employment drug test

For purposes of this policy, the following reasons will be interpreted as failing a drug test:

- Refusal to take the drug test
- The confirmed presence of drugs above the established cutoff levels
- Failure to report for the drug test at the scheduled time without prior notification to the human resources department
- Reasonable belief the urine specimen has been altered or substituted (e.g., cold sample, adulterated, or tampered sample, etc.)

.15 Employees in Sensitive Assignments

As a condition of transfer to an assignment with a higher-than-normal exposure to drugs, employees will be required to submit to drug tests. Employees seeking transfer into such assignments will be tested following selection but prior to transfer into that assignment.

In addition, employees will be subject to testing when they complete these assignments. The following assignments, including first- and second-line supervisors, may be subject to this section:

- Metro Division
- Tactical Enforcement Unit
- Canine Unit

Any applicant for special assignment, who refuses to submit to urinalysis or other clinical analysis, at the time and place designated by the department, will automatically terminate their continuation in the selection process. Refusal of an employee to submit to testing, upon completion of such assignment, will be considered reasonable cause for testing and will be handled in accordance with the drug testing for reasonable suspicion section of this policy.

A confirmed positive test will preclude such assignment, and a formal complaint will be filed with the Internal Affairs (IA) Section.

.20 Drug Testing Procedures

Drug testing will include an initial testing screen. If the initial screen is positive for any controlled substance, as defined in the Colorado Revised Statutes and any applicable amendments thereof, and the substance has not been legally prescribed to the employee, then a second test will follow using a different testing procedure for confirmation. All testing and reporting will be done in accordance with procedures approved by the City of Colorado Springs in the Drug/Alcohol Procedures Manual and Colorado Springs Police Department policies.

.24 Consequences of Positive Tests

The City Human Resources or Occupational Health will notify CSPD Human Resources Manager of the results, positive or negative. The employee will be notified by the laboratory if the results are positive. Employee drug testing will ultimately result in disciplinary action for those employees who test positive in confirmatory tests. To determine what disciplinary action is to be taken, once a confirmed positive test has been rendered, the following guidelines have been established.

Every positive confirmatory test for controlled substances or alcohol abuse will become the basis for filing a formal complaint against the tested employee. The complaint will be investigated by the Internal Affairs Section, upon direction of the Chief of Police.

Formal complaints will be investigated as outlined in GO 600 Complaints and Internal Investigations.

Upon completion of an investigation, the Commander and/or Deputy Chief of Police in the employee's chain of command in consultation with CSPD HR will decide what disciplinary and/or intervention action to take, as a result of a positive confirmatory test for controlled substances or alcohol abuse.

The legal ingestion of a prescribed or over-the-counter drug that results in the employee reporting for duty in an unfit condition will subject the employee to administrative sanctions, as outlined in the Colorado Springs Police Department's Policy Manual.

Any employee whose confirmatory test is positive and who receives disciplinary action will be entitled to appeals, made in accordance with the policies and procedures of the Colorado Springs Police Department, the rules and regulations of the Colorado Springs Civil Service Commission, and the Code of the City of Colorado Springs.

.28 Use of Marijuana

Amendment 64 was not intended to require employers to permit marijuana use, and it specifically states: "Nothing in this section is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees." *Colo. Const. art. XVIII, 16(6)(a)*.

This language mirrors the Colorado Constitutional provision allowing medical marijuana that states: "Nothing in this section will require any employer to accommodate the medical use of marijuana in any workplace." *Colo. Const. art. XVIII, 14(10)(b)*.

The use of marijuana and marijuana-related products is prohibited by members of the department.

.30 Drug Testing for Reasonable Suspicion

All employees, regardless of rank or position, will be subject to drug testing for reasonable suspicion. Reasonable suspicion testing is designed to provide management with a tool to identify drug- or alcohol-affected employees who may pose a danger to themselves and others in the performance of their duties. Reasonable suspicion will be based on objective facts obtained by the department and the rational inferences that may be drawn from those facts. The credibility of the sources of information, whether by tip, informant, personal observation, or voluntary admission, and the reliability of facts or information will be considered in determining the presence or absence of reasonable suspicion.

The standard for reasonable suspicion testing does not require an overwhelming burden of proof. If the supervisor, with training in the identification of signs and symptoms of drug or alcohol use, reasonably concludes that their objective facts indicate drug/alcohol abuse, this is sufficient justification for testing. This conclusion may be reached through personal observation and/or information based on a report from another employee, supervisor, or other reliable source. The supervisor must document their observations and the information provided by other sources.

Mere hunches and “gut feelings” are not valid in making a reasonable suspicion determination. An employee may be required to submit to urinalysis, breathalyzer (not to be conducted by CSPD staff), and/or other clinical analysis procedures, as designated by the department, and at the time and place determined by the department whenever (not an all-inclusive list):

- Facts are sufficient to constitute reasonable cause that an employee is unfit for duty and that usage of a controlled substance, whether prescription or non-prescription over the counter, or alcohol may be the cause of the employee's unfit condition
- An employee's documented job performance is deteriorating through declining productivity, excessive absenteeism/tardiness, aberrant behavior, and/or personal or vehicle accidents that question the conduct of the involved employees
- A confidential investigation by the Internal Affairs Section determines that facts are sufficient to constitute reasonable cause that an employee is a user of controlled substances that have not been legally prescribed to the employee
- An employee is observed possessing, using, or distributing illegal drugs or alcohol on duty

Refusal by an employee to submit to an approved drug/alcohol test on the basis of reasonable suspicion will be considered grounds for discharge.

The procedure for reasonable suspicion testing is outlined in the [City of Colorado Springs Drug/Alcohol Procedures Manual](#). CSPD HR should be consulted prior to any drug testing.

.40 Reporting Requirement

Any employee receiving or having information regarding the illegal manufacture, use, possession, or sale of any controlled substance by another employee will immediately bring that information to the attention of a supervisor or the Internal Affairs Section (IA).

Upon receiving this information, the Internal Affairs Section will conduct a confidential investigation.

.50 On-Duty Reporting of Drug and/or Alcohol Abuse

On-duty employees who, their supervisors have reason to believe, are unable to perform their assigned functions due to the possible use or abuse of drugs prescribed by a physician or other authorized health practitioner, or due to the possible use or abuse of over-the-counter non-prescribed drugs, or any other drug, or alcohol will immediately report that information to their division commander/Staff Duty Officer (through the chain of command).

The supervisor responsible for contacting the commander/Staff Duty Officer (SDO) will explain the actions of the employee and any other information that supports the supervisor's reasonable belief that the employee is unfit to perform their duties, and the use or abuse of drugs and/or alcohol is related to the employee's condition.

If the condition was as a result of an unintentional misuse of legally possessed drugs, the commander/SDO may dismiss the employee from their duties for that shift, and charge the employee with sick leave or disability leave/worker's compensation leave (if the usage of a drug is due to a documented injury that occurred in the line of duty).

If there is insufficient evidence to support an employee's contention that their condition is a result of a legally prescribed, or over-the-counter non-prescribed drug, then they will submit to drug/alcohol screening testing previously outlined in reasonable suspicion testing. The commander/SDO will determine the sufficiency of evidence. In every case, the commander/SDO will fully document all the evidence.

The final decision to test an on-duty employee will be made by the on-duty commander/SDO after consultation with the deputy chief, or chief of police **and** CSPD HR.

.52 Investigations of Drug and/or Alcohol Abuse

In each of the previously mentioned circumstances, IA will be immediately notified of any order to test an employee, and IA will initiate a confidential investigation in accordance with GO 600 Complaints and Internal Investigations.

IA will notify CSPD Human Resources who, in turn, will notify the City's Director of Human Resources of the employee's drug/alcohol test. With the approval of the commander/SDO, a deputy

chief, or the chief of police, the accused employee may be placed on administrative leave with pay, or given an alternative assignment, pending the results of the tests.

If the test result is negative, at any state of this process, the allegation of drug abuse against the accused employee will be considered as unfounded.

Any other allegations stemming from the original complaint, or discovered during the investigation of the original complaint, will be investigated and classified, according to the evidence pertaining to those particular allegations.

.54 Relieved from Duty

If an on-duty employee is determined to be unfit to perform police duty, and the supervisor conducting the investigation relieves the employee from duty, the superior officer will:

- Not permit the employee to drive any vehicle
- Relieve the employee of all known firearms
- Relieve the employee of their department-issued radio

If an employee is relieved from their duties, as described above, they may be subject to disciplinary action.

.56 Reporting on Relief from Duty Situations

In all instances, the decision to dismiss an employee from their duties, for that shift, as outlined, will be fully documented and based on objective information. A complete report of the incident will be prepared by the on-duty commanded/SDO and submitted to the employee's deputy chief, on the following regular business day.

The accused employee will also be provided with copies of this documentation.

.60 Employee-Provided Documentation

An employee believed to be under the influence of drugs prescribed by a medical provider may be required to produce a note from the prescribing physician indicating their ability to be at work and any restrictions while taking the prescribed medication. Such a note will contain the doctor's name, pharmacy, drug name, recommended dosage, and prescription number. This information is considered confidential and must be handled in a manner that fully protects the employee's right of privacy pertaining to such information.

.70 Drug and Alcohol Testing in Enforcement Situations

Department personnel may be required to submit to a chemical test that includes, but is possibly not limited, to a test of the employee's blood, breath, or urine, if they become involved in enforcement situations, both on and off duty.

When directed by a supervisor, employees may be required to submit to a test in the following types of situations:

- The employee injures or kills another person in the line of duty
- The employee is under an agreement that sobriety should be documented