

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER**

G.O. 213 RANDOM DRUG AND ALCOHOL TESTING

DATE: 04/24/2025	DISTRIBUTION: DEPARTMENTAL	REPLACES: 05/06/2024	NUMBER: G.O. 213
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I. Purpose

- A. This Order shall establish guidelines for a random drug and alcohol testing program for all sworn and selected civilian members of the Little Rock Police Department.
- B. This section of the Little Rock Police Department General Orders is also designed to establish procedures for the proper handling of a positive test result, failure to report for testing, refusal to submit to testing, tampering or adulterating a test sample, and subsequent disciplinary action.

II. Department Responsibilities

- A. The overall administration of the City of Little Rock's drug and alcohol testing policy shall fall under the direct authority of the Human Resources Department, who shall ensure adherence to the City's policy by the involved departments.
- B. The primary responsibility of the Little Rock Police Department is public safety, to serve and protect the community and to remain responsive to the needs of all citizens. This responsibility empowers sworn members of the Department with both the authority to arrest and to use deadly force.
- C. Police agencies, such as the Little Rock Police Department, also hold a public trust to ensure that individuals sworn to uphold the law must themselves obey those same laws. Employees of the Little Rock Police Department hold a personal responsibility to perform at the highest levels of which they are capable. These personal responsibilities are most critical when it becomes necessary for a citizen or Department member to depend upon another member of the Little Rock Police Department.
- D. For these reasons, it is the policy of the Department that all sworn and selected civilian members undergo random breath and urinalysis testing for illegal drug/controlled substance, anabolic steroids and/or alcohol abuse. This testing is to ensure that all employees holding access to or control over any item of evidence, contraband, currency, or having access to information concerning ongoing criminal investigations and criminal cases are physically unimpaired, have unimpaired judgment, and possess the integrity to fulfill their duties and responsibilities.

III. Definitions

- A. Calendar Year - Each year beginning on January 1 and ending on December 31.
- B. Sworn Member - Any officer, of any rank, who possesses the authority to bear arms and has arrest powers.

- C. Civilian Employee - A Police Department employee who is not a sworn officer and whose conduct is governed by the provisions of the Code of Conduct for Civilian Employees, the Civil Service Commission Rules and Regulations, the Ordinances of the City of Little Rock, and/or the laws of the State of Arkansas, or the United States, and Departmental policies, procedures and directives, and the Administrative Personnel Policy and Procedures, whichever shall apply.
- D. Split Specimen - A collection method of maintaining two separate containers of urine from the tested subject. This allows for retesting should the need arise.
- E. Illegal Drug/Controlled Substances - Any substance designated by Arkansas Statute to be a controlled substance and classified as such in schedules one through six of the Arkansas Criminal Code, to include but not limited to: amphetamines; barbiturates; benzodiazepine; cocaine; methaqualone; marijuana; methadone; opiates; phencyclidine; and propoxyphene. Employees may be screened for additional substances as determined by the Chief of Police or their designee.
- F. Negative Test Result - Indicates there is no presence of illegal drugs or controlled substances within the urine screen, or the amount present does not exceed set detection limits.
- G. Positive Test Result - Result of an initial screening method, which detects the presence of an illegal drug, controlled substance, or anabolic steroids in the urine screen.
- H. Invalid/Cancelled Drug Test Result – The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid test result. It could also be the result of a broken vial, or a loss of urine (spillage) at the laboratory.
- I. Confirmed Positive Test Result - Result of a confirmation test, which detects the presence of an illegal drug, controlled substance, or anabolic steroids in the urine screen that exceeds set detection limits.
- J. Verified, Confirmed Positive Test - A confirmed positive test which has been verified by a Medical Review Officer.
- K. Medical Review Officer (M.R.O.) - A licensed physician, employed by the laboratory, with knowledge of substance abuse disorders and the appropriate medical training to interpret and evaluate all confirmed positive test results.
- L. NLCP - National Laboratory Certification Program.
- M. Reasonable Suspicion - A suspicion, based on facts or circumstances, which gives rise to more than a bare suspicion. Facts to consider while determining the reasonableness of this suspicion include, but are not limited to, the following: absenteeism, abnormal erratic behavior, reliable information from cooperating individuals, citizens' complaints, accidents, physical symptoms, and discovery of incriminating evidence.
- N. Negligent Work Practices – Those acts or practices which constitute an apparent violation of Department Rules and Regulations or General Orders.
- O. Refusal to Submit to Testing – Failure to appear for any test after being directed, failure to provide a urine or breath sample for any test required, refusing to provide a minimum of 40 ml of urine,

failure to take a second test when directed to do so, failure to remain at the testing site until the testing process is complete, failure to cooperate with any part of the testing process.

IV. Drug and Alcohol Testing

A. Random Testing

1. Selected sworn and civilian employees will provide a breath sample, blood or urine specimen which will be screened for illegal drugs and alcohol. These members may be randomly tested monthly through a contract firm/laboratory. This random drug and alcohol testing program in no way supersedes or eliminates any employee from being subject to reasonable suspicion testing by a departmental supervisor.
2. On a yearly basis, approximately fifty-five percent of all sworn personnel and fifty percent of all civilian personnel will be selected to participate in the Random Drug and Alcohol Testing.

B. Reasonable Suspicion Testing

1. The Chief of Police reserves the right to require a police officer or employee to undergo drug and/or alcohol testing, if there is "reasonable suspicion" to believe that such employee is under the influence of drugs or alcohol during work hours. The initial determination of whether or not reasonable suspicion exists may be made by the Division Commander or in their absence the highest-ranking supervisory officer on duty at the time.
2. A confidential administrative investigation, conducted by Internal Affairs at the direction of the Chief of Police, may be used to determine facts that are sufficient to constitute reasonable suspicion that an employee is a user of illegal drugs or legal drugs which have not been legally prescribed. The summary of facts will be presented to the Chief of Police for consideration of reasonable cause. If reasonable cause is found, arrangements for the employee to undergo drug and/or alcohol screening shall be made, as soon as practical. A supervisor shall accompany the employee to the approved collection site. The employee will be placed on administrative leave with pay pending the test results. Nothing in this General Order shall restrict a supervisor from ordering immediate drug and/or alcohol testing when it is deemed reasonable.
3. The Chief of Police or their designee is the sole person to require a sworn officer or civilian to undergo drug testing, if there is "reasonable suspicion" to believe that such employee is under the influence of Anabolic Steroids.
4. Any supervisor who has reasonable cause to believe an employee may be under the influence of Anabolic Steroids, will document all facts and circumstances, and forward this information through the employee's chain of command to the Chief of Police. The employee will be immediately placed on Administrative Leave with pay pending a final decision.
5. If the Chief of Police or their designee determines that a test is warranted, arrangements for the employee to undergo Anabolic Steroid, drug and/or alcohol screening shall be made, as soon as practical, but no later than 48 hours after the employee has been placed on Administrative Leave.

6. A supervisor shall accompany the employee to the approved collection site. The employee will be placed on administrative leave with pay pending the test results. Nothing in this General Order shall restrict a supervisor from ordering immediate drug and/or alcohol testing when it is deemed reasonable.

C. Post Injury and Accident/Incident Screening

1. Any employee of the Department who is involved in a work-related incident, resulting in physical injury to any person, through apparently negligent work practices, will be automatically tested, as soon as practical, following the incident.
 - a) The On-Duty Shift Commander or, in their absence, the Acting Shift Commander will be responsible for determining whether an incident meets the criteria for post injury accident screening.
2. Any employee, who is involved in an on-duty or off-duty traffic accident, while operating a city owned, rented, leased or seized vehicle, which results in physical injury to any person or in serious damage to the vehicle and/or the vehicle being immobilized to the point that it has to be towed from the scene, will be automatically tested, as soon as practical, following the accident.
3. Whenever a Little Rock Police Officer is involved in an incident in which either the officer or another person is seriously injured or killed as a result of police action and/or the use of deadly force, or whenever the officer intentionally employs deadly force, but no serious injury or death results, that officer will be automatically tested, as soon as practical, following the incident.

D. Drug and Alcohol Testing Procedure

1. The Internal Affairs representative will provide the "City of Little Rock Donor Information For Collection Site" form, and the "Little Rock Police Department Notification to Report for Random Drug and Alcohol Testing" form, to the appropriate supervisor, when Departmental personnel are randomly selected for drug and alcohol testing.
2. When employees are notified of a random drug and alcohol test or are subject to a post-accident or reasonable suspicion drug and alcohol test, or an anabolic steroids test, the notifying supervisor will provide the employee with the "City of Little Rock Donor Information For Collection Site" form.
3. It will be the responsibility of the involved supervisor to complete and provide the "City of Little Rock Donor Information For Collection Site" form to the affected employee.
4. The "City of Little Rock Donor Information For Collection Site" form will be submitted to the collection site by the employee.

V. Testing Notification

- A. The contract firm will maintain and execute a random selection process from which employees will be selected. The contract firm will maintain two separate lists of sworn personnel and civilian personnel for random drug testing. The Department's Internal Affairs representative will receive notification of personnel who have been randomly selected for testing. Selected employees will be notified in person by a supervisor in their chain of command. Selected employees will be tested during their normally scheduled duty hours.
1. The Internal Affairs Unit representative will create a "Drug Test" file in IAPro for each selected employee and attach the Notification to Report Form (5030-06) and Documented Absence Form (5030-07).
 2. The Drug Test file will be forwarded through Blue Team to the selected employees' direct supervisor and Carbon Copied to the rest of the respective Chain Command to ensure more than one person has access to the file for service.
- B. Notification to Report Form (5030-06) - This form will serve as notice to the employee that they have been randomly selected to participate in the Random Drug and Alcohol Testing Program. A supervisor in the employees' chain of command will download the form from the Blue Team file and present it to the selected employee. This notice serves as a direct order, by authority of the Chief of Police, to provide a breath and urine sample at the specified collection location. This notice further provides instructions for the selected employee to report to the specified collection location within one (1) hour. Once the selected employee has been served with the notice to report, the serving supervisor will note in the Blue Team routing instructions box the date and time the selected employee was served and immediately forward the Drug Test file back to IAPro.
1. Employees who are assigned to the Training Division's Extended Leave Unit are subject to Random Drug Testing. These employees will be notified by the Training Division Lieutenant or their designee in their absence.
 2. When the Internal Affairs representative forwards the Blue Team file to a supervisor and the selected employee is off duty (i.e., day off or not on shift, etc.) the receiving supervisor will accept the file and retain it for service or ensure that it is forwarded to the appropriate Division supervisor for service. If the notice cannot be served within a reasonable time (not to exceed three (3) working days), the attached Documented Absence Form will be completed and uploaded to the Blue Team file and sent to IAPro.
- C. Documented Absence Form (5030-07) - Any selected employee on extended pre-approved leave, (i.e. sick leave, military leave, vacation leave) may be excused if the employee is not physically on duty and available at work. Any other absence, such as subpoena for court appearance, may be excused with approval of the Division Commander. The selected employees' supervisor will download the form and document the absence noting why the employee could not participate. If the "Other" field is checked, supporting documentation must be included. The form(s) will then be uploaded to the Drug Test file and forwarded to IAPro. The supervisor will note in the Blue Team routing instructions box that the selected employee was absent.
- D. If a sworn member becomes involved in a police incident (traffic stop, waved down, etc.), while traveling to the testing facility, the sworn member will immediately call for a unit and supervisor. The sworn member will then relinquish the incident to the unit and continue to the collection location. The supervisor will ensure that the sworn member is released from the scene with instructions to continue to the collection location.

- E. Failure to Report - Any selected employee who fails to report for drug and alcohol testing, in accordance with this Order, will be subject to disciplinary action up to and including dismissal.
- F. Refusal to Submit to Testing - Refusal by any selected employee to submit to drug and alcohol testing, in accordance with this Order, will result in the employee being immediately placed on administrative leave. The employee will be subject to disciplinary action up to and including termination.

VI. Collection Procedures

- A. Procedures for providing random urine specimens must allow individual privacy, unless there is reason to believe a particular employee may alter or substitute the specimen to be provided. Precautions will be taken to ensure that a urine specimen has not been adulterated or diluted during the collection procedure, and that all information on the urine bottle and in the logbook can be identified as belonging to a given employee. To ensure that unadulterated specimens are obtained, the following procedures outline the minimum precautions that shall be taken during the collection of urine specimens:
 - 1. At the collection site, toilet-bluing agents shall be placed in the toilet tanks, wherever possible, so the reservoir of water in the toilet bowl always remains blue. There should not be any other source of water (e.g. shower, sink, etc.) in the enclosure where urination occurs.
 - 2. When the employee arrives at the collection site, collection site personnel shall request the employee to present some type of photo identification (employee photo identification or driver's license.) This shall be noted on the chain of custody form. If the employee fails to appear within the required time period, collection site personnel shall contact the appropriate authority to obtain guidance on action to be taken.
 - 3. The collection site person shall ask the employee to remove garments (e.g., coat, jacket) that might conceal items or substances that could be used to tamper with or adulterate their urine specimen. Also, all personal belongings (e.g. purse, briefcase) must remain with the garments. The collection site person shall note any unusual behavior or appearance.
 - 4. The employee shall be instructed to wash and dry their hands prior to urination.
 - 5. After washing hands, the employee shall remain in the presence of the collection site person and not have access to water fountains, faucets, soap dispensers, cleaning agents, chemical agents, or other sources of adulteration.
 - 6. The employee may provide their specimen in the privacy of a stall, or otherwise partitioned area, that allows for privacy.
 - 7. Upon receiving the specimen from the employee, the collection site person will determine that it contains at least 40 to 60 milliliters of urine. If there is not sufficient urine in the container, additional urine should be collected. The employee may be given reasonable amounts of liquid (e.g., a glass of water), and must remain in the testing area under the supervision of the collection site personnel. If an employee fails, for any reason, to provide the necessary specimen, collection site personnel shall contact the appropriate authority to obtain guidance on action to be taken.

8. After the specimen has been provided and submitted to the collection site person, the employee should be allowed to wash their hands.
9. Immediately after collection, collection site personnel shall measure the temperature of the specimen, conduct an inspection to determine the specimen's color, and inspect it for signs of contaminants. Any unusual findings, resulting from the inspection, must be included on the chain of custody form. The time from urination to delivery of the sample for temperature measurements is critical and in no case should exceed four minutes. If the temperature of the specimen is outside the range of 32.5 - 37.7 degrees C/ 90.5 - 99.8 degrees F, this gives rise to reasonable suspicion of adulteration/substitution, and another specimen should be collected under direct observation, and both specimens forwarded to the laboratory. Any specimen suspected to be adulterated should always be forwarded for testing. When reasonable suspicion is established, the second specimen must be obtained under direct observation.
10. Both the individual being tested and the collection site person should keep the specimen in view at all times prior to it being sealed and labeled. If the specimen is transferred to a second container, the collection site person shall request the employee to observe the transfer of the specimen and placement of the tamper-proof seal over the bottle cap and down the sides of the bottle. The collection site person will place the identification label securely on the bottle.
11. The identification label should contain the date, employee's specimen number, and any other identifying information required. The employee shall initial the label on the specimen bottle.
12. The collection site person will enter the identifying information in a ledger. Both the collection site person and the employee shall sign the ledger next to the identifying information.
13. The individual shall be asked to read and sign a certification statement regarding their urine specimen.
14. The collection site person shall complete the appropriate chain of custody form.
15. The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it will be appropriately secured during temporary storage.
16. While performing any part of the chain of custody procedures, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person must leave their workstation momentarily, the specimen and custody form must remain with him or must be secured. After the collection site personnel returns to the workstation, the custody process will continue. If the site person is leaving for an extended period of time, he should package the specimen for delivery prior to leaving.

- B. Any employee who is unable to provide a urine specimen due to a medical condition, must immediately upon diagnosis or upon being hired, if the condition is pre-existing, provide the Internal Affairs with documentation from their physician to keep on file. When the employee is selected to participate in the Random Drug Testing, the Internal Affairs representative will contact the contract firm/laboratory to arrange for a blood test to be performed. The employee must notify the Internal Affairs representative as soon as possible, regarding any changes in their medical condition that affects their participation in the Random Drug Testing.
- C. Collection Control - Collection site personnel shall always attempt to have the container or specimen bottle within sight before and after the employee has urinated. The containers shall be tightly capped, properly sealed, and labeled. A chain of custody form shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the chain of custody form shall be dated, signed by the person releasing the specimen, signed by the individual accepting the specimen, and the purpose for transferring possession noted. Every effort should be made to minimize the number of persons handling specimens.
- D. Processing Urine Samples
 - 1. The testing or processing phase shall consist of a two-step procedure:
 - a) Initial screening step; and,
 - b) Confirmation step.
 - 2. The urine sample is first tested using a screening procedure. A specimen testing positive will undergo an additional confirmation test. An initial positive report should not be considered positive; rather, it should be classified as "confirmation pending".
 - 3. The confirmation procedure should be technologically different from the initial screening test. In those cases where the second test confirms the presence of a drug or drugs in the sample, the sample will be retained for further testing in case of dispute.
 - 4. The testing method selected shall be capable of identifying amphetamines, barbiturates, benzodiazepine, cocaine, heroin, marijuana, methadone, methaqualone, opiates, Phencyclidine, propoxyphene, anabolic steroids, and every major drug of abuse. Personnel utilized for testing will be certified as qualified to conduct urinalysis, or trained to conduct such testing.
 - 5. The laboratory selected to conduct the analysis will be experienced and capable of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urinalysis testing.
 - 6. After the contract firm/laboratory has confirmed a positive test result, or an invalid/cancelled test result, the employee will be scheduled for a consultation with the Medical Review Officer (M.R.O.).
 - a) The M.R.O. will examine alternate medical explanations for any confirmed positive test result, or an invalid/cancelled test result.

- (1) This action will include conducting a medical interview, a review of the individual's medical history (including a review of the individual's legally prescribed medication), and a review of any other relevant biomedical factors.
 - (2) The M.R.O. will make the final decision whether to verify the test result as confirmed positive.
 - (3) If the M.R.O confirms the test to be invalid, the employee is subject to be tested again, as soon as possible, to determine whether the sample is a confirmed positive or negative test result.
- b) Verified, confirmed positive test results will be retained by the laboratory for a time period of 5 years.
- c) Verified, confirmed, positive test results are for administrative purposes only and will not be used against the employee in any criminal proceedings.
7. An employee will be immediately placed on administrative leave if the following occurs:
 - a) A confirmed positive test for anabolic steroids, illegal drugs; or,
 - b) A verified, confirmed positive test for controlled substances.
8. An employee, whose test is verified as confirmed positive, may request that the split specimen be tested by an alternate National Laboratory Certification Program (NLCP) certified laboratory. In order to effect such a request for testing of the split specimen, the employee must do the following:
 - a) Submit a written request to the Chief of Police within ten (10) working days of notification of such result.
 - b) The written request must include the NLCP - certified laboratory that has been chosen by the employee.
 - (1) The contract laboratory will transport the split specimen to the alternate NLCP - certified laboratory chosen by the employee for testing.
 - (2) Appropriate chain of custody procedures will be followed.
 - (3) Retesting expenses of the split specimen will be paid for by the Department unless the test shows to be positive. In the case of a positive test, it will be the responsibility of the employee to incur the cost of the test.

E. Chain of Evidence - Storage

1. Where a positive report is received, urine specimens shall be maintained under secured storage for a period of 42 months, or until ordered destroyed by the Office of the Chief of Police.

2. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of evidence.

VII. Blood Collection and Testing

- A. When the employee arrives at the collection site, collection site personnel shall request the employee to present some type of photo identification (employee photo identification or driver's license.) This shall be noted on the chain of custody form. If the employee fails to appear within the required time period, collection site personnel shall contact the appropriate authority to obtain guidance on action to be taken.
- B. Collection site personnel will only use non-alcohol swabs to prepare the injection site for specimen collection.
- C. Both the individual being tested and the collection site person should keep the specimen in view at all times prior to it being sealed and labeled. If the specimen is transferred to a second container, the collection site person shall request the employee to observe the transfer of the specimen and placement of the tamper-proof seal over the bottle cap and down the sides of the bottle. The collection site person will place the identification label securely on the bottle.
- D. The identification label should contain the date, employee's specimen number, and any other identifying information required. The employee shall initial the label on the specimen bottle.
- E. The collection site person will enter the identifying information in a ledger. Both the collection site person and the employee shall sign the ledger next to the identifying information.
- F. The individual shall be asked to read and sign a certification statement regarding their blood specimen.
- G. The collection site person shall complete the appropriate chain of custody form.
- H. The blood specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, it will be appropriately secured during temporary storage.
- I. While performing any part of the chain of custody procedures, it is essential that the blood specimen and custody documents be under the control of the involved collection site person. If the involved collection site person must leave their workstation momentarily, the specimen and custody form must remain with him or must be secured. After the collection site personnel returns to the workstation, the custody process will continue. If the site person is leaving for an extended period of time, he should package the specimen for delivery prior to leaving.
- J. Collection Control - Collection site personnel shall always attempt to have the container or specimen bottle within sight before and after blood has been drawn. The containers shall be tightly capped, properly sealed, and labeled. A chain of custody form shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the chain of custody form shall be dated, signed by the person releasing the specimen, signed by the individual accepting the specimen, and the purpose for transferring possession noted. Every effort should be made to minimize the number of persons handling specimens.
- K. Processing Blood Samples

1. The testing or processing phase shall consist of a two-step procedure:
 - a) Initial screening step; and,
 - b) Confirmation step.
2. The blood sample is first tested using a screening procedure. A specimen testing positive will undergo an additional confirmation test. An initial positive report should not be considered positive; rather, it should be classified as "confirmation pending".
3. The confirmation procedure should be technologically different from the initial screening test. In those cases where the second test confirms the presence of a drug or drugs in the sample, the sample will be retained for further testing in case of dispute.
4. The testing method selected shall be capable of identifying amphetamines, barbiturates, benzodiazepine, cocaine, methaqualone, marijuana, methadone, opiates, Phencyclidine, and propoxyphene, heroin, and Anabolic Steroids. Personnel utilized for testing will be trained to conduct such testing.
5. The laboratory selected to conduct the test will be experienced and capable of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in blood testing.
6. After the contract firm/laboratory has confirmed a positive test result, or an invalid/cancelled test result, the employee will be scheduled for a consultation with the Medical Review Officer (M.R.O.).
 - a) The M.R.O. will examine alternate medical explanations for any confirmed positive test result, or an invalid/cancelled test result.
 - (1) This action will include conducting a medical interview, a review of the individual's medical history (including a review of the individual's legally prescribed medication), and a review of any other relevant biomedical factors.
 - (2) The M.R.O. will make the final decision whether to verify the test result as confirmed positive.
 - (3) If the M.R.O confirms the test to be invalid, the employee is subject to be tested again, as soon as possible, to determine whether the sample is a confirmed positive or negative test result.
 - b) Verified, confirmed positive test results will be retained by the laboratory for a time period of 5 years.
 - c) Verified, confirmed, positive test results are for administrative purposes only and will not be used against the employee in any criminal proceedings.
7. An employee will be immediately placed on administrative leave if the following occurs:

- a) A confirmed positive test for Anabolic Steroids, illegal drugs; or,
 - b) A verified, confirmed positive test for controlled substances.
8. An employee, whose test is verified as confirmed positive, may request that the split specimen be tested by an alternate National Laboratory Certification Program (NLCP) certified laboratory. In order to effect such a request for testing of the split specimen, the employee must do the following:
- a) Submit a written request to the Chief of Police within ten (10) working days of notification of such result.
 - b) The written request must include the NLCP - certified laboratory that has been chosen by the employee.
 - (1) The contract laboratory will transport the split specimen to the alternate NLCP - certified laboratory chosen by the employee for testing.
 - (2) Appropriate chain of custody procedures will be followed.
 - (3) Retesting expenses of the split specimen will be paid for by the Department unless the test shows to be positive. In the case of a positive test, it will be the responsibility of the employee to incur the cost of the test.

L. Chain of Evidence - Storage

- 1. Where a positive report is received, urine or blood specimens shall be maintained under secured storage for a period of 42 months, or until ordered destroyed by the Office of the Chief of Police.
- 2. Each step in the collecting and processing of the urine or blood specimens shall be documented to establish procedural integrity and the chain of evidence.

VIII. Alcohol Testing

- A. Employees are not allowed to report for duty with the presence of alcohol in their system.
- 1. Employees are not allowed to consume alcohol while on duty, except:
 - a) In the performance of a police duty; and,
 - b) Only with the specific consent of a Division Commander; and,
 - c) Never in uniform.
 - 2. Employees returning to work, as a result of a call-out from a period of off-duty time, will not be subject to the provisions of this portion of the Order.
 - 3. Employees will only be tested during normally scheduled work hours.

- B. Certified instruments and operators are in place to allow alcohol screening by breath sample to be conducted at the same collection site where urine screening and blood testing is conducted.
 - 1. When an employee reports for drug and alcohol screening for any of the reasons specified in this Order, he will be required to give a breath sample in addition to the urine or blood sample required.
 - 2. Upon completion of the breath sample, the employee will be told whether their test was negative or positive for the presence of alcohol.
 - 3. If the test for alcohol is negative, the employee will return to their regularly assigned duties.
- C. If the test is positive (above .02 blood alcohol content), the employee will be required to remain at the collection site for a period of fifteen minutes, at which time a second test will be administered.
 - 1. If the results of the second test do not confirm the first (a BAC of .02 or below), the test process, as a whole, will be deemed negative and the employee will return to their regularly assigned duties.
 - 2. If the results of the second test are also above .02 BAC, then the test process, as a whole, will be deemed to reflect a positive indication that the employee has alcohol in their system, in violation of Departmental standards, and a supervisor will be notified immediately.

IX. Confidentiality and Maintenance of Records of Drug and Alcohol Screening Results

- A. All drug screen and breath alcohol test results will be confidential, subject to prevailing law and necessary departmental use. Drug and alcohol test results will be made available only to those personnel assigned to inform the employee of the test results or those personnel involved in the disciplinary process arising from such results.
- B. Drug screen and breath alcohol test results shall be admissible in all disciplinary proceedings arising from a positive drug and/or alcohol test result. Upon completion of the test, officers will return all sealed Random Drug Screening forms to Professional Standards before the end of the shift in which they were served the Random Drug Screening Notification. Drop boxes are provided for results delivered after business hours in the lobby of the Professional Standards-Internal Affairs Office.
- C. Drug and alcohol test results shall be available to the affected employee, or the employee's representative, upon the presentation of properly executed release forms.
- D. Drug and alcohol test results may be provided to subsequent and potential employers providing a waiver signed by the employee is submitted, authorizing the release of these results.
- E. Drug and alcohol test results shall not be utilized to support any criminal prosecution.
- F. Statistical analysis of the drug and alcohol testing program results shall be available to Departmental personnel assigned to conduct such analysis.

- G. In accordance with General Order 211 XIII.H.I, Random Drug and Alcohol Testing documents (Paper), shall be purged after fifty-four (54) months or until litigation is concluded, whichever is longer. All related electronic documentation will remain in the IA Pro database.

X. Administration of Program

- A. The Department's Internal Affairs representative will act as a liaison between the Police Department and the drug screening contract firm/laboratory, and will be responsible for the following:
1. Providing a departmental roster of all sworn and selected civilian members. The roster will identify the sworn members by a number only and will include current assignment, watch, and days off;
 2. Receiving the documented absence forms from Division Commanders in order to reschedule testing;
 3. Receiving and reviewing Notification to Report forms to ensure policy guidelines were followed;
 4. Coordinating the mailing of negative test results to employees;
 5. Monitoring adherence to program (appropriate identification, cooperation of employees, adherence of firm/lab to contract, etc.);
 6. Receiving the verified and confirmed positive reports from the contract firm/laboratory (the Office of the Chief of Police will make notification of positive test results to the officer);
 7. Scheduling consultations between the employee and the M.R.O if necessary; and,
 8. Notifying the lab to retain positive test results.
- B. Internal Affairs will coordinate the employee's request for the testing of the split specimen by a NLCP - certified laboratory.

XI. Disciplinary Action

- A. Disciplinary action may result with regard to the following areas:
1. Failure to Report - Any sworn member, or civilian employee, who fails to report for drug and alcohol testing, in accordance with this order, will be subject to disciplinary action up to and including termination.
 2. Refusal to Submit to Testing - Any sworn member, or civilian employee, who refuses to submit to drug and alcohol testing, in accordance with this order, will be subject to disciplinary action up to and including termination.
 3. Tampering, or attempted tampering, with any urine sample will result in disciplinary action up to and including termination.

4. A verified, confirmed positive test result which indicates illegal drug use will result in disciplinary action up to and including termination.
5. A verified, confirmed positive test result which indicates controlled substances abuse will result in disciplinary action up to and including termination of the employee.
6. A verified, confirmed positive test result which indicates Anabolic Steroid use will result in disciplinary action up to and including termination.
7. The confirmed presence of alcohol after random, post-accident, officer involved use of deadly force or reasonable suspicion testing will be subject to disciplinary action up to and including termination.
8. Disciplinary action, arising as a result of this order, may be appealed by the employee under Civil Service in accordance with the City of Little Rock Civil Service Commission Rules and Regulations, and the employee not under Civil Service with City of Little Rock Personnel Policy and Procedure guidelines. Verified, confirmed positive test results are for administrative purposes only and will not be used against the employee in any criminal proceedings.

XII. Employee Assistance Program

- A. The Little Rock Police Department and the City of Little Rock encourages any employee who has a drug or alcohol problem to obtain assistance. Any employee who has not been required to submit to a drug or alcohol test or who has tested negative but, in good faith, requests assistance for their problem, shall be referred immediately to the Employee Assistance Program. This voluntary admission shall not be used against the employee for disciplinary purposes (see Employee Assistance Program Guidelines in Little Rock Police Department General Orders).
- B. Any employee of this Department, who requests and receives treatment by the Employee Assistance Program's recommended physician, must adhere to the following guidelines prior to returning to full time duty status:
 1. The employee must complete a doctor supervised rehabilitation program, and receive a written release detailing their completion of rehabilitation and their ability to return to work.
 2. After completing the rehabilitation program, and receiving the written release from the rehabilitation program's physician, the employee must meet with the city psychologist and receive a written recommendation to be allowed to return to full time duty status.
- C. Any employee of this Department, who requests treatment through this Section of the Little Rock Police Department General Orders, must use accrued sick leave during their participation in a rehabilitation program.
 1. If the employee exhausts their available sick leave, and has not completed the rehabilitation program, he may use accrued vacation/personal leave or may be granted authorized leave without pay at the discretion of the Chief of Police.

2. Any employee of this Department, who seeks and receives treatment through this Order, will be granted a one-time exclusion from disciplinary action. Any subsequent admission, positive test, or other violation of this Order will result in immediate disciplinary action up to and including termination of employment with the Little Rock Police Department.

Additions and revisions are *italicized and underlined.*

Deletions are denoted with a strike through.