



## Newport News Police Department - Administrative Manual

# ADM-220 - SUBSTANCE ABUSE: PREVENTION AND TESTING PROCEDURES

Amends/Supersedes: ADM-220 (10/23/2012)

Date of Issue: 08/09/2017

### I. GENERAL

[26.1.1]

- A. All Police Department employees shall be assigned, and sign for, City Policy 1205, "Substance Abuse Policy and Procedures" (Personnel Administrative Manual) in the automated policy system, and shall adhere to its provisions. This policy implements City Policy 1205 and is not intended, either expressly or by implication, to modify City Policy 1205.
- B. Police Department employees identified in City Policy 1205 as having direct responsibilities for public safety and health shall not use controlled substances either on or off the job.
- C. In addition to the procedures set forth in City Policy 1205, ALL Police Department employees will also adhere to the following guidelines:

- 1. No Police Department employee shall use alcohol, illegal drugs, or other controlled substances while on duty or engaging in Police Department activities. This also includes during any meal breaks that may occur during these working hours.

NOTE: Occasions in which an undercover police officer may have to consume alcoholic beverages **as part of the undercover assignment** will be permitted.

- 2. Department employees shall refrain from reporting for duty/work within four hours after consuming any alcoholic beverage.
  - 3. Employees will not consume alcoholic beverages while in uniform, displaying their badge of office, or when attired in any way that publicly recognizes them as a Police Department employee.
  - 4. Employees will not operate any City vehicle while, or after, consuming any alcoholic beverage. Alcoholic beverages will not be transported in any City vehicle unless it is part of an official Department function (i.e., transported as evidence).
  - 5. No Department employee shall report for duty/work, or remain on duty/at work, when the employee has used any controlled substance, except when the use is pursuant to the instructions of a physician AND the substance does not adversely affect the employee's ability to safely perform his or her job duties and responsibilities.
- D. Employees are subject to testing for the presence of alcohol or controlled substances whenever reasonable suspicion exists that they are under the influence of alcohol or a

controlled substance. Specific public safety employees are subject to random controlled substance testing without notice, as set out in PAM 1205.

- E. The Support Bureau Commander or designee or his designee is the point of contact between the Police Department and the City's Human Resources Department regarding the administration of provisions of City Policy 1205.

## II. PROCEDURE [26.1.1]

### A. Designated Manager

For the purpose of this policy, all employees of the rank of lieutenant and above shall be deemed Designated Managers to ensure compliance with drug and alcohol testing requirements.

1. In cases where a lieutenant is not available, the Bureau Commander (or acting designee) may appoint a sergeant to act in the capacity of Designated Manager, as long as the employee undergoing the drug and alcohol testing holds the rank of sergeant or below.
2. In cases where the employee undergoing the drug and alcohol testing holds the rank of lieutenant or above, the Bureau Commander shall not appoint a sergeant to act in the capacity of Designated Manager.

### B. Random Testing Cases

1. Procedures for conducting a random test:
  - a. The City Human Resources Department will first contact the Support Bureau Commander and provide the names of the employees selected to be tested.
  - b. The Support Bureau Commander will immediately contact the appropriate Designated Manager and provide him with the testing information.
  - c. The Designated Manager shall have the employee meet him at a police facility, and then personally transport the employee to the appropriate test facility.
2. If there is a legitimate cause for a delay (i.e., officer is in middle of an investigation, attending court), the Designated Manager shall contact the Support Bureau Commander or his designee.
3. The Support Bureau Commander will notify the City Human Resources when employees will not be tested or testing will be delayed, and provide reasons.
4. Delays of random tests may only be approved by the City Human Resources Department for compelling reasons of public safety or other sufficient causes.

### C. Reasonable Suspicion Testing

When reasonable suspicion that an employee is under the influence of a controlled substance and/or alcohol exists, the employee's on-duty supervisor shall contact a Designated Manager, who shall immediately contact the City Human Resources Department for appropriate testing to be conducted.

NOTE: Delays of reasonable suspicion testing are not permitted.

D. Submission to Test

1. Any employee notified during work hours that he or she is to be the subject of a random or reasonable suspicion test shall immediately comply with the provisions of that request. The employee shall be contacted and escorted by the Designated Manager to the testing site. Employees to be tested shall comply with all directives of the Designated Managers, including an immediate response to meet the Designated Manager and riding with the Designated Manager to the testing site. There will be no intermediate stops enroute. The Designated Manager shall keep the subject employee in view until arrival at the testing facility.
2. If an employee refuses to be tested, the Designated Manager shall give the employee a direct order to submit to the test. If the employee still refuses, the Designated Manager shall immediately call for another Designated Manager to respond to his location. When the second Designated Manager arrives, the original Designated Manager shall reissue the direct order for compliance to the test. If the employee refuses again, the original Designated Manager shall immediately relieve the employee from duty (with pay) and notify the Chief of Police, through the chain of command and the Professional Standards Division Commander. The Designated Manager shall complete a detailed letter of facts regarding the incident and transmit this immediately to the affected employee's Bureau/Precinct/Division Commander, with a copy being forwarded to the Professional Standards Division (see ADM-210: Standards of Conduct/Disciplinary Action and ADM-270: Administrative & Internal Investigations). The Bureau/Precinct/Division Commander shall transmit a copy of this report down the chain of command to the employee's immediate supervisor. [52.2.7]

NOTE: Refusal by an employee to take a test is a Group III misconduct offense, as defined in the City Policy 1000, "Standards of Conduct" (see City Policy 1205, section I. F. for definition of refusal).

3. Upon refusal by an employee to be tested, the Designated Manager shall take custody, as appropriate, of the employee's issued firearm(s), badge, identification cards, office and security access keys, Departmental vehicle and keys, and other issued equipment as may be required (i.e. ECD, Axon body camera). The Designated Manager shall arrange transportation for the employee to a reasonable and appropriate destination.

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