



KANSAS CITY MISSOURI POLICE DEPARTMENT

PERSONNEL POLICY

DATE OF ISSUE

05-13-11

EFFECTIVE DATE

05-13-11

NO.

203-2

SUBJECT

Policy Series 200: Employee Guidelines
203 – Drug Abuse Testing

AMENDS

REFERENCE

PPBM: Code of Ethics and Rules of Conduct; Grievance Review Process
Drug-Free Workplace Act of 1988 – U.S.C. 701-707

RESCINDS

PPBM: 203-1

***I. INTRODUCTION**

Police management is responsible for ensuring that all members are physically, mentally, and emotionally capable of fulfilling and carrying out assigned duties, as well as for providing a safe work environment. Members have a personal responsibility as employees to perform at the highest levels of which they are capable. Drug abuse has been shown to negatively impair judgment, impact productivity, and increase absenteeism. These personal responsibilities are most critical during life-threatening and other emergency situations, when it becomes necessary for a citizen or department member to depend upon another member.

The Kansas City Missouri Police Department is committed to maintaining a drug-free workforce and providing a drug-free workplace for all employees. The abuse of illegal drugs and the misuse of prescription/non-prescription drugs, either on-duty or off-duty, is prohibited. This policy is in compliance with the Drug-Free Workplace Act of 1988.

II. TERMINOLOGY

- *A. **Anabolic Steroids** – Artificially produced hormones that are the same as, or similar to, androgens, the male-type hormones in the body; can be taken in the form of pills, powders, or injections.
- *B. **Department-Authorized Testing Facilities** – A location where chemical testing, in accordance with department approved procedures, occurs.
- C. **Drug Abuse** – The use of illegal drugs.
- D. **Illegal Drugs** – Any substance for which the possession, sale, distribution, manufacture, or use by unlicensed persons is prohibited by law.
- *E. **Intoxicated Condition** – When a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.
- F. **Non-Prescription Drugs** – Substances which are not legally controlled and are available without a medical prescription, but which, when improperly or inappropriately used, may hamper the ability to perform assigned duties or impair judgment, alertness, and any other physical, emotional, and mental capacities.
- G. **Prescription Drugs** – Controlled and non-controlled substances for which possession and use are legal when prescribed by licensed medical personnel.

- H. **Prescription/Non-prescription Misuse** – The overuse or inappropriate use of any prescription or non-prescription medication; also includes the ingestion of substances prescribed specifically for another individual.
- *I. **Reasonable Suspicion** – Suspicion of drug abuse that includes specific facts which warrant the belief that a member is under the influence of illegal drugs or has misused prescription/ non-prescription drugs. Reasonable suspicion of drug abuse is based on behavioral and performance factors which include, but are not limited to, decreases in work performance level, willful misconduct, excessive absenteeism and tardiness, excessive use of sick leave, negligent injuries or accidents, poor traffic safety record, and other documentable reasons.

***III. TABLE OF ANNEXES**

Annex A	Department Policy
Annex B	Reasonable Suspicion Testing
Annex C	Random Testing

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this ____ day of _____, 2011.

Patrick A. McInerney
Board President

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DEPARTMENT POLICY

- *A. The use of illegal drugs and the misuse of prescription/non-prescription drugs, either on-duty or off-duty, is prohibited. A confirmed positive test result will be deemed misconduct and subject the member to an investigation, suspension, and/or termination.
- *B. The unlawful manufacture, distribution, dispensing, or possession of an illegal drug is prohibited. Members who have been found to have violated this policy are subject to an investigation, suspension, and/or termination.
- C. **Mandatory Testing**
 - 1. All prospective employees will be given a chemical test as part of the pre-employment physical examination.
 - 2. All members will be required to submit to random chemical testing.
 - 3. Members required to respond for chemical testing outside of normal duty hours will be compensated in accordance with the current overtime policy.
 - 4. Members who refuse to submit to and cooperate with the mandatory chemical test will be subject to disciplinary action, up to and including termination.
- *D. **Use of intoxicating substances (e.g., alcohol, glue, etc.)**
 - 1. Members will not consume any intoxicant while on-duty except when required in the performance of duty. Members, while assigned to duty in civilian clothes, may use intoxicants if this is absolutely necessary in the performance of duty, providing such use does not render them unfit for proper and efficient performance of duty. Under no circumstances will a member be under the influence of an intoxicant while at work even if the intoxication level is under the legal limits prescribed by law except in the performance of duty.
 - 2. Members will not report for duty under the influence of intoxicants or with the odor of intoxicants on their breath. Either condition shall cause them to be considered unfit for duty.
 - 3. Members will not have intoxicants in their possession while on-duty, in uniform, or in any police department building/vehicle, except for evidentiary purpose.
- *E. **Federal contracts or grants**
 - 1. Department members will notify a commander/supervisor, within five (5) calendar days, if they are convicted of a criminal drug violation in the workplace.
 - 2. The Chief of Police, or designee, will notify the contracting or granting agency, within ten (10) days, after receiving the notice that a member has been convicted

of a criminal drug violation in the workplace.

- F. Members will ensure that the medical confidentiality of all department members is protected.

REASONABLE SUSPICION TESTING

- *A. If reasonable suspicion exists that a member is under the influence of illegal drugs or has misused prescription/non-prescription drugs, the member will be required to submit to a drug test to determine the use of the drugs when ordered to do so by a commander/supervisor, acting upon approval from the Chief of Police.

- B. Members
 - 1. Report for and submit to a chemical test when ordered to do so by a supervisor, commander, or the Chief of Police.
 - 2. Notify the supervisor immediately when there is evidence or reasonable suspicion of illegal drug use or prescription/non-prescription misuse by another member.
 - 3. Notify the supervisor when taking prescription/non-prescription drugs which may hamper job performance.

- C. Assistant Division Commanders/Supervisors
 - *1. If a member appears to be in an unfit condition due to drug abuse or prescription/non-prescription misuse, immediately relieve that member from their current assignment, with pay, pending testing and further investigation.
 - 2. Submit an Interdepartment Communication, Form 191 P.D., through the chain of command, requesting that the member be scheduled for chemical testing and outlining the circumstances of the drug abuse or prescription/non-prescription misuse to justify the request.
 - *3. Upon notification from the division commander, accompany the member to the department-authorized testing facility for chemical testing. The assistant division commander/supervisor and the member must be of the same sex.
 - *4. If a member appears to be in an unfit condition due to the legitimate use of prescription drugs, immediately relieve that member from their current assignment and place them on sick leave or injury leave.
 - 5. Respond to the department-authorized testing facility, when notified, to witness the taking of a second sample, from a member of the same sex. This procedure will only be necessary when medical evidence indicates that the first sample has been tampered with by the donor.

- D. Division Commanders
 - 1. Endorse and forward the Form 191 P.D. through the chain of command to the Chief of Police.

2. Upon receipt of a letter from the Chief of Police that a member has been scheduled for chemical testing, assign a commander or supervisor to accompany the member to the department-authorized testing facility. If possible, the commander or supervisor should be of the same gender as the member.

D. Administration Bureau Commander

- *1. Upon receipt of either written or oral approval from the Chief of Police, notify the Employee Benefits Section Supervisor to schedule the chemical test at the department-authorized testing facility.
2. Notify the Chief of Police immediately when a member has been tested with confirmed positive results and submit the results of all tests and applicable reports to the Chief of Police.
- *3. Maintain a chronological file in the Employee Benefits Section of all members who have submitted to chemical tests.
4. Release the file information only at the direction of the Chief of Police.

*E. Chief of Police

1. Forward a letter notifying the member of the date, time, and location of the chemical test. Forward a copy of the notification to the Employee Benefits Section Supervisor and the member's division commander. Under exigent circumstances, oral approval from the Chief of Police may be obtained in place of written notification; however, in these instances, written documentation will be submitted as soon as possible.
2. Upon receipt of the chemical test results from the Administration Bureau Commander, determine the next phase of the investigation (e.g., polygraph examination, Internal Affairs Unit investigation, suspension, no further action, etc.).
3. Notify the member, in writing, of the results of the chemical test within ten (10) working days and the next phase of the investigation, if applicable.

RANDOM TESTING

A. Members

1. Report immediately to the department-authorized testing facility and submit to the chemical test when notified. Comply with the approved testing procedures of the department-authorized testing facility.
2. Provide a picture identification (e.g., the department issued identification card or valid state driver's license) in order to establish positive identification for the testing facility.
- *3. If, for any reason, a member is unable to report for testing, their supervisor will notify the Employee Benefits Section Supervisor and submit either an electronic submission or an Interdepartment Communication, Form 191 P.D. The documentation must be submitted as soon as possible and outline the reasons why the member did not report for testing on the scheduled day.
4. If a member's random chemical test yields confirmed positive results, that member may elect to have their sample re-tested by a laboratory independent of the department-authorized testing facility.
 - *a. The independent laboratory must be certified by the Substance Abuse Mental Health Service Administration (SAMSHA).
 - b. A member who wishes to have their sample re-tested must indicate that wish in writing to the Chief of Police.
 - c. The re-test will be coordinated through the Human Resources Division at the member's expense.

B. Assistant Division Commanders/Supervisors

1. On the days that subordinate members are scheduled for chemical testing, ensure that those members are released from assigned duties and that they report to the department-authorized testing facility.
2. When the chemical test occurs during duty hours, arrange for transportation of the member, whenever possible.
3. Notify the division commander of any members scheduled for chemical testing who are on a leave day, so that they may be rescheduled for a future testing date.
- *4. Notify the division commander of any irregularities or inconsistencies on the part of any member.

- *5. Endorse and forward the electronic submission or Form 191 P.D. of a member who did not report for chemical testing on the scheduled date.
6. Respond to the department-authorized testing facility, when notified, to witness the taking of a second sample, from a member of the same sex. This procedure will only be necessary when medical evidence indicates that the first sample has been tampered with by the donor.

C. Division Commanders

1. Ensure that subordinate members have been notified that they have been scheduled for chemical testing.
2. On the days that subordinate members are scheduled for chemical testing, ensure that their supervisor(s) release those members from regularly assigned duties and that those members report to the department-authorized testing facility.
3. Notify the bureau commander of any members scheduled for chemical testing who are on a leave day, so that they may be rescheduled for a future testing date.
- *4. Endorse and forward the electronic submission or Form 191 P.D. of a member who did not report for chemical testing on a scheduled date.

D. Bureau Commanders

1. Notify appropriate division commanders of members to be tested.
2. Notify the Employee Benefits Section Supervisor of any members scheduled but who are on a leave day, so that they may be rescheduled for a future testing date.
- *3. Receive the electronic submission or Form 191 P.D. of a member who did not report for chemical testing on a scheduled date and forward a copy to the Employee Benefits Section Supervisor.

*E. Human Resources Division

1. The Employee Benefits Section Supervisor will schedule members for chemical testing by means of a random computer program.
2. The Employee Benefits Section Supervisor will notify the appropriate bureau commander, or designee, of members scheduled for chemical testing within their bureau.
3. The Employee Benefits Section Supervisor will maintain a control roster of members who have been tested.
4. The Employee Benefits Section Supervisor will reschedule members who were selected previously but did not report for chemical testing.

5. The Human Resources Division Director, or designee, will coordinate a member's request for re-testing of a sample by an independent laboratory. The independent laboratory must be certified by the Substance Abuse Mental Health Service Administration (SAMSHA).

F. Administration Bureau Commander

- *1. Receive and review all confirmed positive drug test results from the department-authorized testing facility.
2. Submit all confirmed positive results and applicable reports to the Chief of Police.

G. Chief of Police

1. Receive the reports of all confirmed positive results from the Administration Bureau Commander.
2. Notify the member with confirmed positive test results of such results within ten (10) working days of the receipt of notification from the Administration Bureau Commander.
3. Determine the next phase of the investigation (e.g., polygraph examination, Internal Affairs Unit investigation, suspension, no further action, etc.).
4. Provide the member who has been identified as having confirmed positive test results with an opportunity to discuss the results or obtain a Board Hearing.
5. When a member requests re-testing of a sample by an independent laboratory, notify the Human Resources Division Director, or designee, to coordinate the procedure.

*H. Information Services Division

1. Provide and maintain a computer program which will select members on a random basis to be scheduled for chemical testing.
2. Maintain security of the program and information to prevent tampering and unauthorized access.