



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 924 – Mandatory Drug Testing Program

Office with Primary Responsibility:	COP	Effective Date:	December 5, 2019
		Prior Revision Date:	July 10, 2013
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC, SSO	Number of Pages:	5
Forms Referenced in Procedure:	None	Related Procedures:	303

.01 INTRODUCTION

- A. This procedure establishes a Mandatory Drug-Testing program for sworn members, agreed upon by the City of San Antonio and the San Antonio Police Officers’ Association.
- B. The intent of the Department is to adhere to the United States Department of Transportation (U.S. D.O.T.). Standards for drug and alcohol testing. (For current list of test cutoff levels, refer to: <https://www.transportation.gov/odapc/part40/40-87>).
- C. This procedure does not supersede any criminal investigation related to substance abuse by a member of the Department.
- D. The drug testing of non-sworn members is handled in accordance with City Administrative Directive 4.3, *Alcohol and Controlled Substances Testing*.
- E. During times when the Department’s Mandatory Drug Testing Program Coordinator will be unavailable, the Deputy Chief of Staff – External will be designated to temporarily fill that position.

.02 POLICY

It is the policy of the San Antonio Police Department to maintain a safe work environment for its employees and for the citizens of San Antonio. To ensure the integrity of the Department and to preserve the public trust and confidence, this Department has implemented the following drug-testing policy to ensure a drug-free workplace.

.03 TERMINOLOGY (For specific use within this procedure, see Glossary)

Company Drug Testing Reasonable Suspicion

.04 REASONABLE SUSPICION DRUG TESTS

- A. During normal business hours (0745-1630, Mon-Fri) any command or supervisory officer who has reasonable suspicion to believe an officer is under the influence of drugs or controlled substances shall, with the concurrence from the ranking on duty commander, place the officer on administrative duty, write a detailed report requesting a Mandatory Drug Test be conducted on said officer, and contact the Department’s Mandatory Drug Testing Program Coordinator in the Office of the Chief. The detailed report must include a summary of the specific, observable facts that the officer may be under the influence of drugs or a controlled substance. The report shall be submitted to the Mandatory Drug Testing Program Coordinator, at the first available opportunity.
- B. Notification during weekends, holidays, and between the hours of 1630 and 0745:
 - a. When the supervisor requesting the Reasonable Suspicion Drug Test is a Sergeant, he notifies his on-duty Lieutenant, writes a detailed report requesting a Mandatory Drug Test be conducted on said officer, and requests that the Communications Unit notify the Mandatory Drug Testing Program Coordinator.

Note: In the absence of the Lieutenant assigned to the affected office, the requesting supervisor notifies another on-duty Lieutenant.



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- b. When the supervisor requesting the Reasonable Suspicion Drug Test is a Lieutenant or above, or a Lieutenant responds to the scene at the request of a Sergeant, after assessing the situation, he shall, with the concurrence from the officer's Division Commander:
 - 1.) Place the officer on administrative duty;
 - 2.) Write a detailed report requesting a Mandatory Drug Test be conducted on said officer; and
 - 3.) Request the Communications Unit to notify the Mandatory Drug Testing Program Coordinator.
1. A detailed verbal report shall be given to the Mandatory Drug Testing Program Coordinator by the requesting supervisor at the first available opportunity and must include a summary of the specific, observable facts that the officer may be under the influence of drugs, alcohol, or inhalants. (A written report should be hand-carried to the Mandatory Drug Testing Program Coordinator, at the first available opportunity.)
- C. The Mandatory Drug Testing Program Coordinator will then brief the Chief of Police as soon as practically possible and a decision will be made whether or not to order the requested drug test. The reasonable suspicion must be based on specific, observable facts that an officer may be under the influence of drugs, alcohol, or inhalants.
- D. The Chief of Police shall have the discretionary authority, based on reasonable suspicion, to order an officer to submit to a Mandatory Drug Test. (Command notification will begin after the Chief has given the order for a Reasonable Suspicion Mandatory Drug Test.)

.05 MANDATORY DRUG TESTING PROGRAM

- A. As per the Collective Bargaining Agreement, one hundred percent (100%) of all officers of all ranks shall be susceptible to mandatory drug testing during each calendar year on a fair and impartial statistical basis at the City's expense.
- B. The Mandatory Drug Testing Program is designed and shall be administered to result in disciplinary action only against those officers who have violated the Department's rules, regulations, policies, or procedures.
- C. The Mandatory Drug Testing Program will be administered by the Mandatory Drug Testing Program Coordinator, assigned to the Office of the Chief.

.06 SELECTION OF OFFICERS

- A. A computerized program certified and operated as non-discriminatory by an independent firm hired by the City shall be used to randomly select officers to be tested.
- B. Based on authorized manpower levels as of January 1st of each year, twenty-five percent (25%) of all active sworn officers will be randomly selected and tested during each calendar year.
- C. The identification numbers (SAP numbers) of the officers selected on a monthly basis by the independent firm (hereafter referred to as the "Company") will be provided to the Mandatory Drug Testing Program Coordinator.
- D. The Mandatory Drug Testing Program Coordinator will be responsible for notifying the Company of the identity of the officers selected for Mandatory Drug Testing.



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.07 OFFICER NOTIFICATION AND PRE-TESTING PROCEDURES

- A. A supervisory officer will notify officers selected for Mandatory Drug Testing of the officers' selection in accordance with Section .06 ~~of their selection~~.
- B. The supervisory officer will have the officer selected for Mandatory Drug Testing sign a written order issued by the Chief of Police, acknowledging the officer has been ordered to provide a urine specimen for testing.
- C. Officers selected for Mandatory Drug Testing will normally be contacted and asked to provide a specimen at the location where they work.

.08 MANDATORY DRUG TESTS

- A. Mandatory Drug Tests shall be conducted to detect the presence in urine specimens of those classes of drugs identified by the DOT that require laboratory testing (49 CFR Part 40 Subpart F).
- B. Mandatory Drug Tests shall consist of a two-step procedure:
 - 1. An initial drug screening test and, when applicable;
 - 2. A confirmatory test.
- C. Both the initial drug screen and the confirmatory test will be performed at a Substance Abuse Mental Health Services Administration (SAMHSA) / College of American Pathologist (CAP) Forensic Urine Drug Testing Program (FUDTP) certified laboratory.

.09 INITIAL DRUG SCREENING TEST PROCEDURE

- A. When an officer is notified by a supervisory officer he has been selected for a Mandatory Drug Test, the officer will cooperate fully with supervisors and representatives of the Company and provide a urine specimen.
 - 1. The officer shall be provided a restroom that is private and secure.
 - 2. The officer shall be permitted no more than four (4) hours to provide the sample.
 - 3. During this maximum four (4) hour period, officers will remain in the testing area under observation by the Company representative.
 - 4. Reasonable amounts of fluids may be given to officers to encourage urination.
- B. Officers will be required to provide a minimum of 45 milliliters (ml) of urine to be tested. The urine will be separated into two (2) samples, one 30 ml sample ("A" bottle) and one 15 ml sample ("B" bottle).
- C. When there is a reason to believe an officer may have altered or substituted a urine specimen to be provided, a second urine specimen shall be obtained under the direct observation of the Company representative.
- D. When an officer appears unable or unwilling to give a urine sample to be tested, the Company representative shall document the circumstances on the drug test report form.
- E. Failure of officers to provide urine samples or an attempt to alter, taint, or impair the validity of a urine sample for the initial drug screening test may be considered a refusal to submit to a mandatory drug test. A refusal would be a violation of Rule and Regulation 3.03A, *Insubordination*, and may lead to a recommendation for an officer's termination.



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- F. The Chief of Police maintains the right to determine the duty status of officers who refuse to provide a urine specimen.
- G. The urine sample will be tested for the presence of those classes of drugs identified by the DOT that require laboratory testing (49 CFR Part 40 Subpart F).
 - 1. An initial non-negative test result will not be considered conclusive; rather, it will be classified as “pending confirmation.”
 - 2. A non-negative test result on the initial drug-screening test will automatically require a confirmation drug test be performed.
- H. Officers may, at their own expense, request to have the drug test administered at an approved physician’s office, provided the test is administered within five (5) hours after notification by the Chief. The Company representative will accompany the officer.

.10 CONFIRMATION DRUG TEST PROCEDURE

- A. The 30 ml sample of the officer’s urine will be used to conduct the initial drug screening test and when appropriate; a confirmatory test.
- B. Should a confirmation test be appropriate as a result of a non-negative initial drug-screening test, the confirmatory test procedure will be technologically different and more sensitive than the initial drug screening test. A five- (5) panel drug- screening test will be conducted on each drug test by the SAMHSA/CAP FUDTP certified laboratory selected to conduct the drug test.
- C. The same five- (5) panel drug screen test will be conducted on each confirmatory drug test as was conducted on the initial screening test.
- D. Where a positive drug test is confirmed, the officer’s urine specimen (both “A” bottle and “B” bottle) shall be maintained in a secured, refrigerated storage until any disciplinary action has been finalized.
- E. A post-test interview shall be conducted by a Medical Review Officer (MRO) from the Company on any officer who has a confirmed positive test result. The post-test interview will be conducted to ascertain and document the recent use of prescription or non-prescription medicine and direct or indirect exposure to drugs that may result in a positive test result.
- F. Officers have the right to request their urine sample be stored in case of legal disputes. If the officer requests, the urine sample will be submitted to the designated testing facility where the sample will be maintained for a period of one (1) year from the date the officer provided the urine sample.

.11 MANDATORY DRUG TEST RESULTS

- A. All original copies of Mandatory Drug Test results and records shall be submitted to the Chief of Police in a sealed envelope by the Company.
- B. Any officer having a confirmed positive drug test result will be processed for disciplinary action in accordance with GM Procedure 303, *Disciplinary Procedures*. Disciplinary action could include a recommendation for an officer’s termination.
- C. The Chief of Police maintains the right to determine the duty status, pending disciplinary action, of any officer refusing to provide a specimen or of any officer having a confirmed positive drug test result.



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.12 CONFIDENTIALITY

- A. All records pertaining to Mandatory Drug Testing shall remain confidential, except to the extent used in a disciplinary process and appeal.
- B. Drug tests results and records shall be stored in a locked file under the control of the Chief.
 - 1. The Chief will maintain original copies submitted by the laboratory in accordance with the City's Record Retention Policy.
 - 2. No access to drug test results and records shall be allowed without the written approval of the Chief.
- C. Any employee disclosing any information regarding the identity of an officer selected for Mandatory Drug Testing; that the drug testing is scheduled; and/or the date on which the urine specimen is to be collected is subject to disciplinary action.