

Drug Testing

1011.1 PURPOSE

The Department has a legal responsibility and a moral obligation to protect the citizens of the County of Orange and to ensure a safe, drug free work environment for all its Members. The Department has a compelling need to employ and retain only those persons who are both qualified and able to perform the duties and responsibilities of their position.

When Members of a law enforcement agency use drugs there is a tremendous potential for misconduct and negligence. Law enforcement, on a routine basis, makes life and death decisions in the course of discharging their official duties. The responsibility of providing public safety requires Department Members to perform under conditions that are recurrently hazardous and sometimes hostile. The use of debilitating drugs, under these conditions, significantly increases the probability of offense of conduct by employees, decreases their capability to perform assigned duties, has an adverse effect on fellow employees, which is the Department's obligation to preserve public safety and diminishes the public's confidence.

In order to balance the interest of the Department, the County of Orange, Members of the Department, and while maintaining the public's trust, it shall be the policy of the Department to implement the random and reasonable suspicious drug testing program.

1011.1.1 DEFINITIONS

Drug Test: The compulsory production and submission of urine and/or saliva by a Member, in accordance with Department procedures, for chemical analysis to detect the presence or absence of controlled substances.

Reasonable Suspicion: Quantity of specific and objective facts that can be articulated which are more than mere speculation but less than probable cause, based on:

1. Observable symptoms,
2. Non-observable symptoms,
 - (a) Reliable information and/or physical evidence,
 - (b) Citizen complaints,
 - (c) Fellow Member complaints corroborated by other Members,
 - (d) Reports of recent use.

Calendar Year: Beginning January 1 of each calendar year and ending on December 31 of the same year.

Medical Review Officer (MRO): Designated by and works for contract laboratory.

Random Selection: Blind selection by computer program.

SAMHSA: Substance Abuse and Mental Health Services Administration.

Department Program Administrator: SAFE Division Commander.

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1011.2 POLICY

All Department Members whose classification is authorized to carry a firearm while on duty are subject to both random and reasonable suspicion drug testing to detect the presence of any narcotics, dangerous drugs, or controlled substances.

All aspects of the drug-testing program shall be performed on duty.

1011.3 PROGRAM ORGANIZATION

1. Contract Drug Management Company shall administer the Department's random drug testing program.
2. The Department Random Drug Testing Program will be directed by the Department Program Administrator. The Department Program Administrator or his/her designee shall be responsible for departmental administration of the program and direct contact with the contract laboratory management and the Medical Review Officer (MRO). The Department Program Administrator or his/her designee shall report directly to the Executive Command after consultation with the Medical Review Officer on all confirmed positive drug tests not consistent with prescriptions, and all cases of employee refusal to test for proper disposition and/or referral to Internal Investigation.
3. All persons associated with the administration of the drug testing program shall be aware of the importance of maintaining its confidentiality. Confidentiality shall be maintained.

1011.4 TESTING

1. Random Testing - Members subject to testing may be ordered to submit to a drug test whenever randomly selected, up to four (4) times in a calendar year.
2. Reasonable Suspicion - Any Member subject to random testing may be ordered to take a drug test upon reasonable suspicion that the Member is, or has been, using narcotics, dangerous drugs or controlled substances. A reasonable suspicion test shall not be counted or considered as a random test.
 - (a) The SAFE Division Commander shall be notified and facilitate all requests for a reasonable suspicion drug test.
3. Drug Classes - The following drugs will be tested for with screening levels based on current SAMHSA standards:
 - (a) Amphetamines, Methamphetamine
 - (b) MDMA, MDA, MDEA
 - (c) Cocaine Metabolites
 - (d) Opiate Metabolites
 1. Morphine
 2. Codeine

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3. Heroin

- (e) Phencyclidine (PCP)
- (f) THC (Marijuana and CBD with THC)

1011.5 SELECTION PROCESS

1. The selection of Members for testing shall occur on a random basis by utilizing a computer generated program administered by the contract laboratory.
2. Personal Identification Numbers (PINs) shall be used to identify a random pool participants. The Department Program Administrator or his/her designee and the contract drug management company shall be the only ones to possess a listing of participating employees and social security numbers.
3. The selection process shall never be used as punishment.

1011.6 SPECIMEN COLLECTION

1. Members will be directed to provide a urine and/or saliva sample for testing at a recognized collection site.
2. Failure to provide a specimen within a reasonable time period (not more than four (4) hours) may be considered a refusal to take a drug test.
3. If the Member is unavailable for any reason (i.e. court, vacation, involved in a critical situation), the Member may be tested upon return.
4. Confidentiality – The collection process shall respect the dignity of the Member while ensuring the integrity of the process.

1011.7 TESTS RESULTS

1. Negative Results - The laboratory shall discard remaining portions of the specimens, forward a report of the negative test to the MRO and destroy accompanying documents and log sheets.
2. Positive Results - Upon the confirmation of a positive test, the MRO is satisfied there is no alternate explanation for the positive test, the Department Program Administrator or his/her designee shall be immediately advised. The Department Program Administrator shall forward the information to the Executive Command. The Executive Command may direct an immediate internal investigation. The Member shall be provided with documentation pertaining to the positive test results.
3. Negative Dilute Specimens - Consistent with DOT regulations, when a test result is reported as a negative dilute specimen, the Member shall be retested. The second test shall become the test of record. Should a Member decline to take the second test, he/she shall be subject to the same remedies as if they had refused to take the original test.

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1011.8 DISCIPLINE

1. Law, Policies, Rules and Regulations
 - (a) The Department forbids its Members to use any controlled substances, narcotics, or hallucinogens except as provided in part 2 and 3, below. The Department forbids violation of federal statute, state law or local ordinance. Members that violate any rules, regulations or policies of the Department may be subject to disciplinary action up to and including discharge, subject to the grievance appeal process and part 3, below. In addition to disciplinary action and whenever appropriate, including those instances where the drug identified in the urine tests or saliva was prescribed, the Department will consider rehabilitation, counseling, or treatment programs when such alternatives would benefit both the Department and the Member. Some programs may require regular drug testing covering a reasonable time period specified by the director of the treatment program.
 - (b) Failure to comply with the provisions of the drug-testing program may result in appropriate disciplinary action.
2. Exception
 - (a) A Member may use a controlled substance or narcotic if done so pursuant to a prescription by a licensed physician for an illness or injury, if such use is in accordance with the terms of the prescription. See Policy 1012.2.2 Use of Prescription Medications for further information.
3. Discrimination
 - (a) The Department will not discriminate against a Member in hiring, termination, or any term or condition of employment, or otherwise penalize a Member based upon:
 - (a) A Member's use of cannabis or THC products during nonworking hours and away from the workplace; or
 - (b) A drug screening test that has found the Member to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids.
 - (b) Notwithstanding (a), above, Members shall comply with any requirements related to legally mandated drug testing, federal security clearances or any other licenses and/or certifications which are required to perform their job duties. Please see 1012.2.4 -Federal and State Laws and Regulations for further information.
4. Possession of Firearm
 - (a) Members whose classification is authorized to carry a firearm may be disciplined where unlawful use of a controlled substance legally limits their ability to possess a firearm.
5. Employee Refusals, Substitutions, and Alteration of Sample
 1. Members who refuse to be tested when so required may be subject to disciplinary action.

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2. Attempts by a Member to alter or substitute any specimen shall be deemed grounds for disciplinary action.

1011.9 DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING

1. All Department Members who are working in "safety sensitive" assignments as defined by the California State Department of Transportation must submit to drug and alcohol testing as defined in the County of Orange Anti-Drug and Alcohol Misuse Prevention Program.
2. Members who are required to submit to testing by the Department of Transportation shall also be required to test under the Sheriff-Coroner's Department Drug Testing Policy, if randomly selected or if reasonable suspicion exists.
3. The Department shall follow the guidelines set by the Office of Drug & Alcohol Policy & Compliance.