

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

July 29, 2015

Policy Number 3.25

DRUG URINALYSIS SCREENING PROGRAM

POLICY

- I. It is the policy of the department to prohibit the illegal or unauthorized use of any controlled drug/substance. Prohibited drugs include all dangerous, harmful, and detrimental substances, marijuana, hallucinogens, and prescription drugs not properly prescribed for medical use.
- II. Urinalysis tests shall be administered to police personnel who are engaged in extremely hazardous work or duties that present an immediate and substantial risk to the safety and health of the public.
- III. All regular and probationary officers shall submit to urinalysis tests.
- IV. All urinalysis test analyses shall be guided by the thresholds specified in the current collective bargaining agreement.

PROCEDURE

I. DEFINITIONS

- A. Collective bargaining agreement: The current contract between the department and the State of Hawaii Organization of Police Officers, which spells out policies, practices, and procedures pertaining to the drug urinalysis screening program.
- B. Commander: The officer in charge of a division-level element.
- C. Officer: A member of any metropolitan police classification or helicopter pilot.

1. Regular officer: An officer who is not on initial probationary status.
 2. Probationary officer: An officer who is on initial probationary status.
- D. Police personnel: All officers and reserve officers of the Honolulu Police Department.
1. Regular police personnel: All officers and reserve officers who are not on initial probationary status.
 2. Probationary police personnel: All officers and reserve officers who are on initial probationary status.

II. PURPOSE OF PROGRAM

The department's drug urinalysis screening program is designed to detect the use of dangerous, harmful, and detrimental substances, hallucinogens, and marijuana.

III. RESPONSIBILITIES

- A. The Human Resources Division (HRD) commander or designee shall:
1. Coordinate, control, and maintain the drug urinalysis screening program to ensure that it is administered in a fair and equitable manner;
 2. Ensure that all elements comply with the drug urinalysis screening program;
 3. Maintain a file of all reports and correspondence relating to the drug urinalysis screening program;
 4. Promptly report to the Chief of Police all test results that are confirmed positive;
 5. Notify the commander of the Professional Standards Office (PSO) to initiate an investigation of personnel with confirmed positive tests;

6. Submit to the PSO the completed reports on those personnel who fail to submit a clinically viable specimen or fail to appear for a urinalysis test;
 7. Notify the appropriate element commander of any confirmed positive test results;
 8. Coordinate the drug treatment program and follow-up testing for officers assigned to the Required Test Levels B(2) and B(3); and
 9. When termination has been recommended by the Administrative Review Board (ARB) and approved by the Chief of Police, initiate predetermination meeting procedures in accordance with civil service rules.
- B. The commander of the PSO shall:
1. Ensure that all urinalysis test sites are monitored, excluding the test sites for officers assigned to the Required Test Levels B(2) and B(3);
 2. Investigate personnel with confirmed positive urinalysis tests.
 - a. Investigations shall be completed expeditiously.
 - b. Results of the investigations shall be reported to the ARB; and
 3. Review all investigative reports on personnel who failed to submit a clinically viable specimen or failed to appear for a urinalysis test and forward these reports to the ARB via the deputy chief.
- C. The ARB shall:
1. Meet to review the investigative findings of the PSO;

2. Make recommendations to the Chief of Police for appropriate action; and
 3. If termination is warranted, refer the case to the HRD for a predetermination meeting.
- D. Element commanders or their designees shall:
1. Ensure that all police personnel under their command comply with the drug urinalysis screening program;
 2. Upon notification of a scheduled urinalysis test, assign a divisional coordinator to assist the HRD test site commander;
 3. Promptly report all instances of noncompliance to the HRD commander;
 4. Initiate an investigation for violation of directives if an employee fails to take or appear for a urinalysis test and forward the completed report to the PSO for review; and
 5. Upon notification of a confirmed positive test result:
 - a. Notify the employee of the confirmed positive test result; and
 - b. Place the employee in a duty status consistent with the provisions of the collective bargaining agreement.

IV. TEST GROUPS

All police personnel are divided into five groups for the drug urinalysis screening program.

A. Required Test Level A

The following police personnel shall submit to urinalysis tests on a regular basis:

1. Personnel assigned to the PSO;
2. Personnel assigned to the HRD; and

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- 3. Personnel assigned to the Intelligence Enforcement Unit.

B. Required Test Level B

The following police personnel shall submit to frequent urinalysis tests:

1. Personnel assigned to the Narcotics/Vice Division;
2. Personnel assigned to Crime Reduction Units;
3. Regular police personnel who fail to submit to a urinalysis test administered to the group to which they are assigned;
4. Regular police personnel with a first confirmed positive test result;
5. Helicopter pilots and observers;
6. Canine handlers, improvised explosive devices team members, and special weapons and tactics team members; and
7. Probationary police personnel.

C. Random Assignment Test Level

1. All regular police personnel who are not in the required test levels shall be grouped according to assignment and submit to urinalysis tests on a regular basis.
2. Groups shall be selected for testing by means of a computerized, random selection program that is maintained and secured by the Human Resources Officer.

D. Mandatory Test Level

In addition to random testing, all officers not subject to required testing shall be subject to mandatory testing as outlined in the collective bargaining agreement.

E. Discretionary Test Level

A commander at the division level or above may require drug testing for any group under his or her command. Whenever such a discretionary test is required, the commander and all managers and supervisors in the chain of command leading to that group shall also be tested.

F. Repetition of Tests

Each type of drug test (required, random, mandatory, and discretionary) is separate and distinct, and the application of one type of test to an officer shall not preclude the application of another type or the same type of test to that officer. However, in no event shall an officer be subjected to more than four random, mandatory, and/or discretionary tests in one fiscal year.

V. TESTING PROCEDURES

A. Assignment of Test Level

1. The Administrative Bureau chief shall:
 - a. Coordinate urinalysis testing for Required Test Level A personnel with the deputy chief and then notify the HRD commander to conduct a test within 48 hours; and
 - b. Have the HRD commander or designee notify the commander of the PSO.
2. The HRD commander or designee shall:
 - a. Coordinate urinalysis testing for all other test level personnel;
 - b. Determine the date and test level group for testing. A computerized selection program will be used for the random assignment test level;
 - c. No earlier than 48 hours before the test time, coordinate the urinalysis test with the element commander or second in command;

- d. Notify the PSO to report to the group's work site at the designated time;
 - e. Notify the drug testing laboratory to conduct the specimen collection and drug urinalysis;
 - f. Notify a union representative of the test. Union representative(s) may observe the on-site testing process;
 - g. Secure restrooms for personnel in the test group;
 - h. Control the master log and control numbers at the collection site; and
 - i. Maintain the supplies and materials (control logs, personnel identification numbers, specimen labels, and personnel duty rosters).
3. The element commander or designee shall:
- a. Appoint a coordinator to assist the HRD test site commander;
 - b. Ensure that the on-duty personnel in the test group report for the specimen collection; and
 - c. Initiate an investigation if anyone from the designated group fails to submit a clinically viable specimen or fails to appear after being notified.
4. The PSO shall:
- a. Monitor the drug urinalysis screening procedures;
 - b. Review completed reports on those personnel who fail to submit a clinically viable specimen or fail to appear for testing; and
 - c. Forward the completed investigation reports to the ARB via the deputy chief.

B. Testing Time Period

1. All test level personnel who are on duty at the time the test is announced shall report to the test site and submit a clinically viable specimen within the scheduled four-hour period. The four-hour period shall commence upon announcement of the testing as recorded in the date/time column of the notification report form.
2. An employee who does not submit a clinically viable specimen within the scheduled four-hour period shall notify the HRD test site commander or the element commander (or designee) of the reason(s) for noncompliance.
3. The HRD site commander may extend the four-hour limit when mitigating and/or extenuating circumstances exist (e.g., emergency call-out, traffic fatality, hostage/barricade incident, etc.).
4. The announcement to report for testing may be made by any means; this includes, but is not limited to, the following:
 - a. Announcement at lineup or briefing by the divisional coordinator (watch commander, unit leader, etc.) or HRD commander or designee; or
 - b. Any means of telecommunication (e.g., Communications Division, mobile data computer, telephone, cellular telephone, pager, etc.).
5. The divisional coordinator or HRD commander or designee who made the announcement of the test shall ensure that the notification report form is properly completed.

C. Split Specimen Collection

1. Each testee shall submit one specimen, which shall be split into two samples.

2. Both samples will be turned over to laboratory personnel of the certified screening laboratory.

VI. FAILURE TO SUBMIT TO URINALYSIS TESTING

A. Regular and probationary police personnel shall submit to the urinalysis testing. Failure to submit to the testing in any way, including (but not limited to) the following, is prohibited:

1. Failure to take a test, either by statement or action;
2. Failure to sign appropriate forms as required;
3. Failure to report for a scheduled appointment to provide a clinically viable specimen;
4. Failure to report to the collection site in the time allotted;
5. Failure to provide a clinically viable specimen within the four-hour time period without a valid medical explanation or approval of the site commander; or
6. Failure to cooperate or comply with the assigned test site personnel, substance abuse professional, or medical review officer.

B. Disciplinary Action

The following shall apply if an employee fails to submit to a urinalysis test:

1. The HRD commander or designee shall notify the employee's element commander or designee;
2. The element commander or designee shall place the employee on leave in accordance with civil service rules;
3. The element commander or designee shall initiate an investigation for violation of directives and forward the completed report to the ARB via the PSO and the deputy chief; and

4. If the ARB finds clear and convincing evidence that a violation has occurred, the Chief of Police may terminate the employee.

VII. FIRST-CONFIRMED, POSITIVE TEST RESULT

The following shall apply when there is a first-confirmed, positive result on a urinalysis test:

A. Regular Police Personnel

1. The HRD commander or designee shall notify the Chief of Police, the commander of the PSO, and the employee's element commander or designee. Information about any positive test result shall be restricted and confidential;
2. Any prescription drug found during a test shall be verified by the testee's prescribed drug container or a letter issued by the licensed physician of record. The verification will be made by the medical review officer designated under the collective bargaining agreement;
3. When the employee is unable to provide documentation for the use of a prescription drug or when an illicit drug is found in the first-confirmed, positive test result, the employee's element commander or designee shall proceed in accordance with the following sections:
 - a. The employee's element commander or designee shall notify the employee and place him or her in a duty status consistent with the provisions of the collective bargaining agreement;
 - b. Upon order by the Chief of Police or a designee, the employee shall surrender his or her badge, issued firearm(s), police identification, access card, blue light, and radio(s), as applicable;

- c. The PSO shall initiate an investigation of the employee and forward the results to the ARB via the deputy chief;
- d. After the investigation, administrative review process, and concurrence by the Chief of Police, the HRD commander or designee shall instruct the employee to immediately enter one of the drug/substance abuse treatment programs approved by the department;
 - (1) The employee shall be responsible for paying all expenses of the treatment program.
 - (2) All disciplinary action attendant to the first positive test result shall be held in abeyance as long as the employee makes satisfactory progress in the treatment program. Disciplinary action attendant to the first positive test result shall not be imposed if the employee successfully completes the treatment program.
 - (3) Disciplinary action attendant to the first positive test result shall be imposed if the employee does not enter a department-approved drug/substance abuse program within the specified time parameters or does not complete the program within the specified time parameters;
- e. While undergoing treatment in this department-approved program, the employee shall take an appropriate authorized leave;

- f. The employee may not return to full duty until he or she has satisfactorily completed this department-approved drug/substance abuse treatment program, obtained a negative drug urinalysis test result, and gained clearance from the city and county physician;
 - g. If the employee is returned to full-duty status, he or she shall be placed in the Required Test Level for a period not to exceed 12 months;
 - 4. This section does not apply when there is a first confirmed positive result for any of the "zero tolerance" drugs--see sections VII C and IX E below;

B. Probationary Police Personnel

- 1. The HRD commander or designee shall notify the Chief of Police, the commander of the PSO, and the employee's element commander or designee. Information about any positive test result shall be restricted and confidential;
- 2. Any prescription drug found during a test shall be verified by the testee's prescribed drug container or a letter issued by the licensed physician of record. The verification will be made by the medical review officer designated under the collective bargaining agreement;
- 3. When the employee is unable to provide documentation for the use of a prescription drug to the medical review officer, or when an illicit drug is found in the first-confirmed, positive test result, the employee's element commander or designee shall proceed in accordance with the following sections:
 - a. The employee's element commander or designee shall notify the employee and place him or her on leave in accordance with civil service rules;

- b. Upon order by the Chief of Police or a designee, the employee shall surrender his or her badge, issued firearm(s), police identification, access card, blue light, and radio(s), as applicable;
- c. The PSO shall initiate an investigation of the employee and forward the results to the ARB via the deputy chief;
- d. If the ARB finds clear and convincing evidence that a violation has occurred, the Chief of Police may terminate the employee;

C. "Zero Tolerance" Drugs

The following shall apply to regular and probationary police personnel when there is a first-confirmed, positive test result for any of the following "zero tolerance" illicit drugs: (1) cocaine metabolites, (2) opiate metabolites, (3) methaqualone, (4) phencyclidine, and (5) amphetamines:

- 1. The HRD commander or designee shall notify the Chief of Police, the commander of the PSO, and the employee's element commander or designee. Information about any positive test result shall be restricted and confidential;
- 2. Any prescription drug found during a test shall be verified by the testee's prescribed drug container or a letter issued by the licensed physician of record. The verification will be made by the medical review officer designated under the collective bargaining agreement;

3. When the employee is unable to provide documentation for the use of a prescription drug to the medical review officer or when an illicit drug is found in the first confirmed positive test result, the sections below shall apply:
 - a. The employee's element commander or designee shall notify the employee and place him or her on leave in accordance with civil service rules;
 - b. Upon order by the Chief of Police or a designee, the employee shall surrender his or her badge, issued firearm(s), police identification, access card, blue light, and radio(s), as applicable;
 - c. The PSO shall initiate an investigation of the employee and forward the results to the ARB via the deputy chief; and
 - d. If the ARB finds clear and convincing evidence that a violation has occurred, the Chief of Police may terminate the employee.

VIII. SECOND-CONFIRMED, POSITIVE TEST RESULT

The following shall apply if a second-confirmed, positive test result is obtained for regular police personnel:

- A. The HRD commander or designee shall notify the Chief of Police, the commander of the PSO, and the employee's element commander or designee. Information about any positive test result shall be restricted and confidential;
- B. The employee's element commander or designee shall place the employee on leave in accordance with civil service rules;
- C. Upon order by the Chief of Police or a designee, the employee shall surrender his or her badge, issued firearm(s), police identification, access card, blue light, and radio(s), as applicable;
- D. The PSO shall initiate an investigation of the employee and forward the results to the ARB via the deputy chief; and

- E. If the ARB finds clear and convincing evidence that a violation has occurred, the Chief of Police may terminate the employee.

IX. VOLUNTARY ADMISSION OF DRUG USE

- A. When a regular officer voluntarily admits to having a problem with drug use, the officer must participate in a drug/substance abuse treatment program approved by the department.

1. The officer must satisfactorily complete the treatment program within 18 weeks from the date he or she first enters the program.
2. During this 18-week period, an officer who is in compliance with treatment requirements may be given a modified- or limited-duty position where their badge and gun are not essential provided that:
 - a. Work is available;
 - b. The officer obtains a negative drug urinalysis test result; and
 - c. The officer is cleared for limited duty by the treatment facility and/or the city and county physician.
3. The modified- or limited-duty period may exceed 18 weeks only if the officer is in full compliance with all treatment requirements but is unable to complete the treatment program due to circumstances beyond his or her control.
4. The officer may be subject to regular and frequent drug tests for the duration of the modified or limited duty.
5. The officer may not return to full duty until he or she has:
 - a. Satisfactorily completed the department-approved drug/substance abuse treatment program;

- b. Obtained a negative drug urinalysis test result after completion of the treatment program; and
- c. Gained clearance from the city and county physician.

Upon return to full duty, the officer shall be placed in the Required Test Level B group for a period of one year.

- 6. An officer who fails to complete the treatment program within 18 weeks due to noncompliance with treatment requirements shall be placed on leave and shall no longer be eligible for a modified- or limited-duty assignment.
- B. During his or her career with the department, an officer shall be afforded only one opportunity to participate in the treatment program described in section IX A above.
- C. Once an officer has admitted having a drug problem, any subsequent, positive drug urinalysis test result shall be considered a first positive drug test result.
- D. The treatment program described in section IX A above is not open to an officer who admits having a drug problem after the HRD drug test site commander arrives on the site for a test of the officer's element. In such cases, the admission shall be considered a positive drug test result.

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- E. In accordance with the provisions of the collective bargaining agreement, "voluntary admission" rights shall not apply to the "zero tolerance" drugs.

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Chief of Police

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board for one week

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