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- I. Purpose

This Directive establishes operational and procedural guidelines pertaining to the drug testing program set out in The Maryland-National Capital Park and Planning Commission - FOP Collective Bargaining Agreement. The Collective Bargaining Agreement introduced a new contract provision, effective February 1, 1999, controlling the testing of all officers within the Unit for the use and/or abuse of controlled substances. The intent of this directive is to clarify and insure consistent application of this provision of the Collective Bargaining Agreement, in both Divisions.

- II. Policy

The Collective Bargaining Agreement governs the drug testing of Park Police Officers who are covered by the Agreement, and all officers covered by this Agreement will comply with this Directive. The random drug testing provisions of this Directive and the FOP Collective Bargaining Agreement will be extended to all Command Staff Personnel.

- III. General Provisions

Effective February 1, 1999 all Park Police Officers covered by the provisions of the Collective Bargaining Agreement, in both Divisions, will be subject to Reasonable Suspicion, Post-accident, Return-to-work, Follow-up and Random drug testing as defined in the Collective Bargaining Agreement. The Post Accident provisions are clarified as follows:

The Collective Bargaining Agreement requires the testing of any officer who has been involved "in any accident or incident which resulted in damage to Commission property, damage to the property of third persons, or personal injury". This requirement is qualified by language clarifying that testing is not required when "there is no dispute that the officer was not at fault and management concludes that the damage to all vehicles involved in the accident will not come to more than Two Thousand Dollars (\$ 2,000.00)." When future application of this provision involves either an accident that does not involve vehicles, or an incident resulting in property damage, management will apply the same qualification. Specifically, managers will not be required to send the officer for testing when there is no dispute that the officer was not at fault and management concludes that the damage will not come to more than Two Thousand Dollars (\$ 2,000.00).

The fact that the manager is not required to test in every post-accident case does not mean that the manager is prevented from testing the officer when reasonable suspicion exists.

- IV. Procedures

- A. General Procedures for Drug Testing

- 1. The collection sites and testing laboratory will adhere to a strict chain of custody procedure for all urine samples obtained for analysis. The laboratory will provide proper documentation of this chain of custody and will return a copy of

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such documentation, with all test results, to the Park Police Divisions. The Department of Human Resources and Management (DHRM), Safety Office, will monitor the laboratory's chain of custody procedures to ensure the integrity of the samples being tested. All screening procedures will be certified pursuant to the Health-General Title of the Maryland Annotated Code.

In testing involving reasonable suspicion, the officer's supervisor or designee will accompany the officer to the testing site. If necessary, a supervisor or designee should also accompany officers involved in post-accident testing.

2. The collection sites and testing laboratory will provide security for each urine sample obtained to prevent its loss and/or contamination. The laboratory will also ensure that each urine sample can be identified only with the person from whom it was obtained.
3. Urine collections will be conducted in a manner and place which allows for privacy for the donor unless there is reason to believe that the individual may alter or substitute the specimen to be provided.
  - a. Whenever reasonable, the collection site will provide a testing administrator of the same sex to assist in the giving of the urine sample. All officers will be allowed to provide the sample in a rest room stall or other partitioned area. Prior to the officer's admission into the rest room stall or partitioned area, the testing administrator will search the area for any objects, articles, or materials which may corrupt the specimen. Thereafter, the administrator will admit the officer to the rest room stall or partitioned area for the purpose of providing the sample.
  - b. Testing administrators are not allowed to observe directly the flow of the urine from the officer's body into the collection container unless the administrator has reason to believe the officer might attempt to substitute or otherwise adulterate the sample.
  - c. Collection site personnel will immediately notify a Park Police supervisor (sergeant or above) and the DHRM, Safety Office of any attempt at or indications or subterfuge intended to delay, avoid, or adulterate the giving of a urine sample.
  - d. Collection site staff will provide the officer with a urine specimen collection container. Before using the collection container, collection site staff and the officer will be certain the sterile seal has not been broken. Specimen containers that appear to have been tampered with or that are contained in open packaging will not be used.

Clinical procedures for collection of urine samples requires the officer giving the sample to begin voiding and introduce the collection container into the flow. The officer will continue voiding until at least thirty (30) to fifty (50) milliliters of urine have been collected.

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- e. Once the sample is collected, the officer will:
    - (1) Ensure the container is properly secured to avoid leakage and/or spillage.
    - (2) Seal the container with evidence tape, using the continuous strip up one side, across the top, and down the other side.
    - (3) Place his/her initials and the date and time on the evidence tape with a ballpoint pen.
    - (4) Give the container to collection site staff who will also place his/her initials and the date and time on the evidence tape with a ballpoint pen.
    - (5) The officer and collection site staff will then complete the chain of Custody Form used by the collection site, and collection site staff will take possession of the sample.
  - f. Once collection site staff has possession of the urine sample, he/ she will deliver the sample to a properly refrigerated storage facility (if testing is not to be done immediately), or to an authorized laboratory technician who will perform immediate testing of the sample.
  - g. The Chain of Custody Form will be completed each time the sample is transferred from one person to another and when placed in a storage facility.
  - h. Officers who claim that a sample cannot be given ("bashful bladder") will be required to remain at the laboratory for two (2) hours, anticipating that natural requirements will overcome the inhibition. If the condition persists and the officer insists that voidance is only possible without observation, officer will be permitted to deposit the sample under the following circumstances:
    - (1) The officer will be permitted to enter a private area to deposit the sample. This area will not have the availability of water or any other substance that may be introduced into or substituted for the sample;
    - (2) The sample will be sealed in accordance with the procedure outlined above;
  - i. The collection site staff administering the test will initiate the proper chain of custody documentation, and will be made available to the Park Police Divisions and the affected officer for testimony in any court proceeding involving questions of chain of custody of said sample.
4. Any attempt to delay or avoid the giving of a urine sample will result in the immediate notification to the DHRM, Safety Office and the officer's Park Police Division (Supervisor).

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If at any time during the drug screening process there are reasonable grounds to believe that a sample has been tampered with, processing will cease and written notification will be made to the DHRM, Safety Office and the Chief, Park Police Division. The sample and related packaging will be secured and treated as evidence.

5. Testing arrangements will be coordinated by the DHRM, Safety Office and the Park Police.
6. The certified Medical Review Officer, under contract with the Commission, will review and interpret test results before reporting confirmed results to the DHRM, Safety Office.
7. Preliminary and confirmation analyses will be conducted by qualified laboratory personnel according to strict procedures currently used and accepted by the drug screening industry, the scientific and legal communities, and the testing equipment manufacturers. All results will be accurately documented to include quantitative readings as well as any irregularities. Each sample will be screened for the drugs listed on Attachment 'A'.
8. Preliminary analysis of all samples will be completed as soon as possible and in no event later than twenty-four (24) hours after receipt of the sample.
9. Negative Tests Results: If the preliminary or confirmatory test results are negative, the results will be communicated, in writing, to the officer and his/her Chief, Park Police Division within two (2) days of receipt of the results by the DHRM, Safety Office. The report will not indicate whether the test was preliminary or confirmatory.

Positive Tests Results: If the preliminary test results are positive, the laboratory will immediately perform a confirmation test. No report of a positive result will be sent to the Park Police Division until the confirmation test has been completed and analyzed. Confirmation test results will be communicated, in writing, to the officer, his/her respective Chief, Park Police Division within two (2) working days of receipt of the written confirmation analysis by the DHRM, Safety Office.

10. Disposition of urine samples will be as follows:
  - a. Samples producing a negative drug screen result will be destroyed by the screening laboratory not less than sixty (60) days following final analysis.
  - b. Samples producing a positive drug screen test will be secured and retained by the screening laboratory for at least one (1) year under laboratory conditions following final analysis.
11. The DHRM, Safety Office, in cooperation with the testing facility under contract with the Commission, , will develop methods of quality control to ensure program integrity.

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- a. At least twice each year, an unidentified, professionally prepared, "spiked" urine sample will be submitted to the testing laboratory to ensure proper testing of urine samples. The results of the test will be sent to the Chief, Park Police Division.
  - b. Should the testing laboratory fail to accurately analyze the "spiked" urine sample, the Commission will immediately investigate the cause(s) for the failure and take such action(s) necessary to ensure the integrity of the drug screening program.
- B. Personnel Procedures for Drug Testing
1. Prior to obtaining a specimen, the collection site staff will positively identify the donor.
  2. The Officers being tested will have an opportunity to report passive inhalation or incidental contact with illegal drugs prior to testing through use of the Drug Screening Notice Form and Questionnaire (see Division Forms Log). The shift supervisor will ensure that the officer is provided a copy of this form prior to testing. Once completed, the form will be kept by the laboratory until the test results are completed and then returned by the laboratory to the DHRM, Safety Office.
  3. All urine samples will be supplied by the officer within a maximum of two (2) hours from the time of the request. In the case of a bashful bladder the same procedure will be followed as stated above.
  4. If the results of the confirmation test are positive, Chief, Park Police Division will provide the following information and documentation to the officer in writing:
    - a. A copy of the laboratory's test indicating the test results;
    - b. A copy of this Directive;
    - c. Notice that the Division will investigate the matter and, if appropriate, charge the officer under the Law Enforcement Officers' Bill of Rights.
    - d. Notice that the officer may request independent testing of the same sample for verification of the test results by a laboratory that is certified by the State of Maryland and/or by the U.S. Department of Health and Human Services for job-related testing for controlled substances. The officer requesting the independent test will pay the cost of the test.
  5. This information will be provided to the officer either in person or by means of certified mail, within thirty (30) days of the date the test was performed. Within thirty (30) days following such notification, the officer may request that an independent test be conducted on the same urine sample provided the following conditions are satisfied:
    - a. The independent test will be at the officer's expense;
    - b. The independent test must be conducted by a certified laboratory; and

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- c. The specimen will be transferred directly from laboratory to laboratory under chain-of-custody procedures and with proper precautions to preserve the integrity of the sample.
  6. Any and all disciplinary actions arising from positive test results, or failure to comply with this Directive or the provisions of the Collective Bargaining Agreement, will be handled in accordance with the Directive, "Law Enforcement Officer's Bill of Rights", which may result in action up to and including termination.
    - a. Officers who test positive for drugs, refuse to participate in required testing, or do not comply fully with the testing process, are required to:
    - b. Report to the Commission's Employee Assistance Program (EAP) for evaluation by a Substance Abuse Professional. Officers must report to the EAP no later than 10 work days after notification of such requirement. The officer will be required to work with, and follow all recommendations made by the Substance Abuse Professional for necessary treatment. Treatment must be completed no later than 120 days from date of enrollment in a recommended program.
    - c. After completion of the EAP-recommended treatment program, participate in an unannounced Return to Duty test for controlled drugs. Failure to comply with EAP recommendations will result in immediate Return to Duty testing.
    - d. Return to Duty testing will be handled in accordance with the Collective Bargaining Agreement, "Return to Work". Officers must receive a negative test result before being permitted to return to full duty status.
    - e. Once an officer is permitted to resume full duties following evaluation by the EAP's Substance Abuse Professional, the officer must participate in no less than 6 unannounced tests for a period of not less than 12 months and no greater than 60 months. Follow-up testing will be handled in accordance with the Collective Bargaining Agreement.

**Approved Park Police Document  
Signed Original on File**