



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: March 01, 2002	REVISED DATE: December 28, 2016	NO. PAGES: 1 of 9	NUMBER: 1.1.15
SUBJECT: ALCOHOL AND DRUG POLICY			
ASSOCIATED MANUAL: MANUAL OF RULES		RELATED ORDERS: 1.1.13, 8.1.01	
CHIEF OF POLICE: <i>Calvin D. Williams, Chief</i>			

This General Police Order has been revised in its entirety

PURPOSE: To ensure that members of the Division of Police are fit for duty; promote workplace health and safety; deter the use of illegal drugs and the abuse of alcohol; encourage affected members to voluntarily seek assistance; and to direct supervisors how to enforce laws and Division regulations regarding employee drug and alcohol abuse.

POLICY: The Cleveland Division of Police seeks to promote a healthy and safe workplace. The Division also strives to ensure that all members adhere to all city, state, and federal drug and alcohol laws. The Division’s policy is to deter the use of drugs and the abuse of alcohol through education, the Employee Assistance Unit (EAU), and the stress consultant; and detect drug and alcohol abuse among members, rehabilitate when suitable, or discipline members when appropriate.

Termination shall be the preferred option for members testing positive for the use of illegal drugs. Sworn members who are detained as the subject of an alleged criminal action outside of the City of Cleveland or who become the subject of a criminal investigation outside of the City of Cleveland shall immediately, through the Communication Control Section (CCS), notify their immediate supervisor, or the next available on-duty superior officer in their chain of command, or a superior officer at the district nearest to the location of the incident and provide full particulars of the incident.

DEFINITIONS:

Accident: is an unplanned, unexpected, or unintended event that occurs at or on a city worksite during an employee’s work hours, or while conducting business for the city.

Drug Test: A urinalysis consisting of an initial screening step and a confirmation step employing the gas chromatography/mass spectrometry (GC/MS) and using urine samples to determine the presence of any drug or alcohol in the member’s system.

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Reasonable Suspicion: Rational inferences drawn from objective facts and/or specific circumstances that would lead a reasonable, intelligent and prudent person to believe the member was under the influence of, or using drugs or alcohol.

PROCEDURES:

- I. Members who are drug and/or alcohol dependent are encouraged to voluntarily seek professional assistance through a treatment program supervised by the Medical Director and the EAU. Voluntary assistance should be sought before drug or alcohol abuse affects job performance and endangers fellow members or the public.
 - A. Participation in a substance abuse program does not preclude disciplinary action against members for a law or rule violation even if the violation is connected with drug or alcohol abuse and/or the rehabilitation program is voluntarily undertaken.
 - B. Participation in these employee assistance programs is voluntary and strictly confidential. The city administration, Division of Police, or any outside entity shall not have access to the program's files or records. Members shall advise the Chief of Police and the Medical Unit if hospitalized or if they become an outpatient as part of a drug or alcohol rehabilitation program. Upon written request of the participating member, rehabilitation efforts will be divulged on the member's behalf in cases of disciplinary action.
 - C. Permission to return to duty, following rehabilitative treatment, requires that the member actively continue in a Division recognized abuse program monitored by the EAU or the Medical Unit.
- II. Alcohol/Drug Abuse Detection Methods.
 - A. **Self-identification** - Self-identification which leads to a specific rehabilitation program is encouraged.
 - B. **Training and Probationary Periods** - These tests shall occur, without advance notice, during the training period and probationary period. The Personnel Section officer-in-charge (OIC) or their designee shall schedule tests during the probationary period. The Training Section OIC or their designee shall schedule tests for recruits during the training period.
 - C. **Work-related Motor Vehicle Accident** - Members shall submit to drug and alcohol testing whenever they are involved in a work-related motor vehicle

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accident that results in personal injury or property damage of \$1,000 or more (See III.B)

- D. **Random Drug/Alcohol Testing** - The Division shall maintain an alcohol/drug free workplace utilizing random alcohol/drug testing to ensure the safety and welfare of the member, other Division members, and the public. Selection and testing of bargaining unit members shall be governed by their appropriate collective bargaining agreements (See III.C)
- E. **Prior to Assignment to Specific Units** - Prior to assignment to the Bomb Squad, Forensics Unit, Gang Impact Unit, Intelligence Unit, Narcotics Unit, SWAT Unit, Vice Units, Aviation Unit, and Public Safety Marine Patrol Team. The Personnel Unit shall schedule these tests.
- F. **Return to Duty** - Upon return to duty after an absence from an unexplained illness, from a disciplinary suspension of 30 days or more, or upon re-appointment to the Division. The Medical Unit OIC or their designee shall schedule these tests.
- G. **Return from Participation in Substance Abuse Program** - Upon return to duty after participation in a substance abuse program (regardless of the duration of the absence). Members shall also be tested on three random (without prior notification) occasions within a one-year period of the date returned to duty. The Medical Unit OIC or their designee shall schedule these tests.
- H. **Reasonable Suspicion** - The Medical Director or a supervisor may order an alcohol/drug test upon reasonable suspicion of drug use or alcohol abuse (See III.A). Circumstances which may constitute reasonable suspicion include, but are not limited to:
 - 1. An unexplained serious injury to a member.
 - 2. Documented behavior that indicates a member is impaired or incapable of performing assigned duties (e.g., reduced productivity, changes in behavior or personality, high absenteeism, pattern of sick abuse with no medical basis).
 - 3. When a member has an agitated, aggressive, or passive demeanor that is unexplained; rambling speech; incoherent or slurred speech; eyes which are bloodshot or dilated; breath with alcohol or marijuana odor;

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unexplained lack of coordination or impaired reaction time; sweaty or flushed skin; a staggering or unsteady walk.

4. A complaint that, upon investigation, indicates the member is involved in the use, possession, or sale of drugs.

III. Alcohol/Drug Abuse Test Procedures.

A. Alcohol/drug tests due to **reasonable suspicion**.

1. A supervisor shall order an alcohol/drug test under any circumstances that suggest substance abuse by a member.
2. When an alcohol/drug test is warranted upon reasonable suspicion, the supervisor shall notify the Communications Control Section (CCS) shift supervisor.
3. The CCS shift supervisor shall notify Labor Relations for a testing determination. The CCS shift supervisor shall notify the requesting supervisor of Labor Relation's decision and further instructions.
4. The supervisor ordering the test shall:
 - a. Confiscate all firearms in the member's possession.
 - b. Ensure the member does not operate a motor vehicle.
 - c. Arrange for the member to immediately report to the designated medical facility.
 - d. Accompany the member and ensure the test is administered.
 - e. Complete the Division of Police Alcohol/Drug Screening Form (Attachment) documenting the factual basis of the incident.
 - f. Notify the district/bureau commander of the action taken.
 - g. Relieve the member from duty and place them on administrative leave pending the test results.

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B. Alcohol/drug tests due to a **work-related motor vehicle accident**.

1. Members shall submit to drug and alcohol testing whenever they are involved in a work-related motor vehicle accident that results in personal injury or property damage of \$1,000 or more.
2. The involved member shall notify their immediate supervisor when involved in a work-related motor vehicle accident.
3. The immediate supervisor shall respond to the accident scene and assess the injury and/or property damage. It shall be the supervisor's responsibility to assess damage and use their best judgment in making a determination of monetary damages.
 - a. If the accident meets the criteria, the immediate supervisor shall notify the CCS shift supervisor.
 - b. The CCS shift supervisor shall:
 1. Notify Labor Relations for testing determination and await a response.
 2. Notify the immediate supervisor of Labor Relation's decision and direction.
 - c. Then the immediate supervisor shall:
 1. Instruct the member of the testing decision and protocols.
 2. If the accident meets the criteria, order the member to report to, and accompany the member to the testing location within 1 hour of the event being reported to the supervisor. The supervisor must show good cause if testing is not initiated within the 1 hour time frame.
4. Members shall be subject to discipline for a positive test as well as disqualification from Workers Compensation benefits if the member refuses post-accident testing or tests positive after an accident.

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- C. Alcohol/drug tests due to **random testing**.
1. The City of Cleveland's Personnel Department shall provide the Commander of the Bureau of Support Services with a list of randomly selected names of bargaining unit members to be randomly tested.
 2. The Commander of the Bureau of Support Services shall provide copies of the list to the Chief and all Deputy Chiefs who in turn will be responsible for notifying the affected members under their command either directly or via the members' commanders as appropriate.
 - a. Commanding officers shall be responsible for forwarding the names of selected members on the Random Drug Test Notification Forms in a secure envelope to the selected members' unit/platoon OIC.
 - b. Commanding officers shall ensure that the forms reach the appropriate OIC in a timely manner and that the forms do not linger in a supervisor's in-basket.
 - c. The Unit/platoon OIC shall open the envelope and personally inform selected members to report for testing. The OIC and the selected member shall sign the form and indicate the date and time of notification.
 3. Members are excused from random testing if the member is:
 - a. On regularly scheduled V-day or furlough day.
 - b. Absent due to illness or injury.
 - c. On pre-approved (approved prior to notification) compensatory time, personal holiday, or other time off.
 - d. On military leave of absence, medical leave of absence, or funeral leaves.
 - e. Attending mandatory or pre-approved outside agency training.
 4. Members excused from testing are subject to future random testing.

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5. Personnel selected shall report immediately with identification, as operational needs permit, to the medical facility designated as the testing site. The member shall have the notification form completed by a representative of the testing site by signing and filling in the date and time of the test.
6. Testing shall be completed before the member reports off-duty.
7. The member shall return the completed form to the OIC. The OIC shall ensure that the forms are forwarded to their commander's office in a timely manner.
8. When all of the bureau/district notification forms have been returned, the commander's office shall forward the original forms to the Commander of the Bureau of Support Services and a copy of each form to the Medical Unit.
9. Traffic controllers on a V-day or furlough shall be scheduled for testing upon their return to duty.

IV. Alcohol/Drug Test Sample Collection Procedures.

- A. Within one hour of being ordered to test, members may consult with a union representative before testing.
- B. Collection shall take place in a medical setting using procedures which minimize embarrassment or physical discomfort to the member and which ensures sample integrity.
- C. Members ordered to submit to an alcohol/drug test shall provide identification to those collecting the sample. The member shall complete a form indicating the use of drugs currently being taken and name the prescribing physician.
- D. Each step in the collecting and processing of the urine specimen shall be documented to establish procedural integrity. Testing personnel shall ensure specimen samples are sealed, labeled, and checked against the identity of the member.
- E. The medical facility designated as the testing site shall release test results only to authorized personnel of the Medical Unit who have been so specified. The Medical Unit shall maintain the reports as confidential medical records.

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1. Negative test results shall be reported immediately to the Chief of Police and the commanding officer of the member (This is not necessary for ordinary random drug testing). The member shall be immediately returned to regular duty status. The lab records and specimen shall be destroyed upon completion of the analysis.
2. Positive test results shall not be reported as such until results of the confirmation test are known. Samples shall be preserved until proceedings are complete.
 - a. The Medical Unit OIC shall notify the Chief's Office of the possibility of a positive test result.
 - b. The Chief's Office shall cause the member in question to be notified of the test status, and place the member on paid sick leave, vacation, compensatory time, or excused unpaid status until the results of the confirmation test are known.
 - c. Positive test results that cannot be confirmed shall be treated as negative test results.
 - d. The Medical Unit OIC shall report results that confirm the presence of alcohol or illegal/abused drugs to the Chief of Police.
 1. These test results are the basis for recommending disciplinary charges, which may include recommendation for termination of employment.
 2. At the time of the pre-disciplinary conference, a member found to be abusing a legally prescribed drug shall be permitted to enter a substance abuse rehabilitation program in lieu of termination, if this is the first instance of such use.

F. Refusal, Sample Adulteration, or Switching Samples

1. Members that fail to appear for or refuse to submit to an alcohol/drug test when ordered, under circumstances consistent with this order, or that adulterated or switched a sample shall:

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- a. Immediately surrender Division issued:
 1. Firearms.
 2. Identification card.
- b. Have permission for use of personal weapons revoked.
- c. Have permission to engage in secondary employment revoked.
- d. Be subject to disciplinary charges, which may include a recommendation for termination of employment.

V. Alcohol/Drug Use Detection Responsibilities

- A. A member with information of illegal use, possession, or sale of illegal drugs by another member shall immediately inform the Bureau of Integrity Control.
 1. Upon receipt of such information, the Internal Affairs Unit OIC shall ensure that an investigation is conducted according to existing procedures.
 2. Superior officers are subject to disciplinary action if they fail to detect drug use or alcohol abuse among those they supervise if:
 - a. Circumstances show that they knew or should have known of the use/abuse.
 - b. They fail to immediately act to correct the situation when they detect it.