



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER ADM-34 SUBSTANCE ABUSE POLICY

EFFECTIVE OCTOBER 10, 2018

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) seeks to ensure that public safety is not endangered because of substance abuse by HCPD members. The HCPD also seeks to ensure the safety of each of its members as they perform assigned duties and responsibilities. Recognizing that members who abuse substances on- or off-duty tend to be less productive, less reliable, and pose a greater threat to public and member safety, the HCPD is committed to maintaining a work environment that is untainted by substance abuse.

II. DEFINITIONS

The following definitions apply in this policy, except as otherwise expressly provided or as necessary implication requires:

A. Abuse

- 1. Use of an illegal substance as defined in Section II.C. below.
- 2. Use of prescription drugs in a manner other than that prescribed by a licensed physician or in a manner inconsistent with its medically prescribed or intended use, or under circumstances where use is not permitted.
- 3. Use of non-prescription drugs in a manner other than that suggested by the manufacturer or as recommended by a physician that impairs job performance.
- 4. Use of alcohol while performing one's duties or use of alcohol that impairs job performance.
- 5. Use or possession of alcohol contrary to the Criminal Laws of the State of Maryland.
- 6. The intentional use of any substance, legal or illegal, that impairs job performance.

B. Alcohol: Ethyl alcohol or ethanol.

C. Drugs

- 1. All substances, narcotic and non-narcotic, that are subject to control under the Maryland Uniform Controlled Dangerous Substances Act (Schedule I-V) or the Federal Controlled Substances Act, and those non-controlled substances, inclusive, for which enforcement remedies are available pursuant to the Annotated Code of Maryland, Criminal Law Article, Title 5, sections 5-402 through 5-406.
- 2. Any substance other than alcohol that may impair one's mental faculties, mood, and/or physical performance.

- D. Random testing
 - 1. The manner of selecting individuals for drug testing from the total staff population within a department subject to testing so that each member of the staff population subject to testing has an equal chance to be selected for testing on each occasion random testing is undertaken.
 - 2. For purposes of this policy, a computerized random selection process beyond the control of members of Howard County, Maryland, will be utilized.
- E. Reasonable suspicion: The existence of facts and the rational inferences that may be drawn from such facts, or an objective base of knowledge sufficient to induce an ordinary, prudent, and cautious person under the same circumstances to believe that a person may be selling, purchasing, transferring, possessing, using, or abusing alcohol or drugs in any way that is illegal or a violation of this policy, or that a drug abuse test of a member will produce evidence of illegal use of drugs.
- F. Substance: Alcohol or drugs.
- G. Medical use of marijuana or cannabis
 - 1. The acquisition; cultivation; possession; processing, to include the development of related products such as food, tinctures, aerosols, oils, or ointments; transfer; transportation; sale; distribution; dispensing; or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.
 - 2. The terms marijuana and cannabis will be used interchangeably and have the same meaning in this General Order.
- H. Qualified patient: A person of any age who has registered or been registered with the Maryland Medical Cannabis Commission (MMCC) for the purpose of obtaining medical cannabis for his personal use and who has been provided a written certification from a registered Provider.
- I. Caregiver
 - 1. A person who is at least twenty-one (21) years of age who must complete the MMCC's multi-step registration process to become a Qualified Caregiver.
 - 2. Caregivers may be in possession of medical cannabis for delivery purposes.
- J. Provider
 - 1. A licensed medical professional who has registered with the MMCC to issue medical cannabis certifications.
 - 2. A provider may be a physician, dentist, podiatrist, certified nurse practitioner, or a nurse midwife.
- K. Registration card
 - 1. A personal identification card issued by the MMCC to a qualified patient or caregiver. The registration card shall verify that an MMCC registered provider has provided a written certification to the qualified patient or that a patient has designated the individual as a personal caregiver.
 - 2. Patients are not required to possess a registration card.

3. The registration card shall identify the qualified patient or caregiver's name, date of birth, MMCC identification number, include a recent color photo of the patient or caregiver, and contain a custom hologram on the front of the card.
- L. Immediate family member: A spouse, domestic partner, parent, step-parent, child, step-child, sibling, step-sibling, grandparent, or grandchild. Other family members may be approved by the Chief of Police.

III. POLICY APPLICATION

- A. All members will adhere to the following requirements. No member shall:
 1. Manufacture, cultivate, distribute, dispense, possess, purchase, transfer, or use drugs as defined in Section II.C.1, or abuse alcohol or prescription drugs in any manner that is contrary to the laws of the State of Maryland, on- or off-duty. The only exception to this rule is a member who is the registered caregiver of a registered patient who is an immediate family member. The member may possess and/or distribute any form of properly certified and labeled medical cannabis to that registered patient.
 2. Report to work or be at work or on-duty while under the influence of drugs or alcohol.
 3. Consume alcohol while in uniform, displaying the insignia of the HCPD, or while operating a County owned vehicle.
 4. Abuse alcohol as defined in section VIII.F. of this General Order while in an on-call status for duty as an employee of the HCPD.
- B. No HCPD member may abuse a substance as defined in this Substance Abuse Policy.
- C. HCPD members who are convicted of off-the-job drug or criminal alcohol offenses will be in violation of this policy.
- D. HCPD members must report any Controlled Dangerous Substance (CDS) related civil or criminal charges to their immediate supervisor within twenty-four (24) hours of that arrest.
- E. All members shall cooperate fully with law enforcement authorities in the investigation and prosecution of illegal drug or alcohol use.
- F. Members may use alcohol while on-duty when involved in approved covert operations, but only when supervisory approval for such use is obtained. Moderation will be maintained at all times in these circumstances.
- G. Members shall not, on- or off-duty, ingest, use or otherwise consume marijuana, THC, or any other cannabis by-product, even if certified by a provider.

IV. CAREGIVER

- A. Any member of the HCPD who has applied for, intends to apply for, has received, or has been denied a card as a caregiver under the MMCC, as permitted in this General Order, shall immediately notify the Chief of Police in writing, through their chain of command, of any such action.
- B. The following restrictions shall apply:
 1. The member shall not use any departmental vehicle while in possession or during the transportation of medical cannabis.

2. The member shall not be armed with any department-issued or personally owned firearm, Conducted Electrical Weapon (CEW), or any other weapons system while in possession of or during the transportation of medical cannabis.
 3. The member shall not display any form of departmental clothing, departmental identification, or departmentally issued equipment while in possession of or during the transportation of medical cannabis.
- C. Any member of the department who has any person living within their residence that is considered under the MMCC to be a qualified patient or caregiver shall immediately notify the Chief of Police in writing, through the chain of command, indicating the person's name and what relationship the member has with the person.
- D. Caregivers must take all due precaution to avoid exposure to medical cannabis and are subject to the same testing procedures outlined in this General Order and the levels referenced in Appendix A. Any exposure should be immediately reported to the member's supervisor.

V. DRUG AND ALCOHOL SCREENING

- A. All persons being promoted shall be subject to a drug screen, provided at no cost to the employee. A physical/medical examination may also be required, at no cost to the employee.
- B. A drug screen will be a basic part of any regularly scheduled physical/medical examination. Such tests and/or drug screens will be at no cost to the member.
- C. All members will be subject to random drug testing, at no cost to the member.
- D. Civilians assigned to the Property and Evidence Section and the Forensic Services Section will be subject to regular drug testing at no cost to the affected member.
- E. Where a reasonable suspicion of substance abuse exists, all members will be required to undergo drug and alcohol testing under direct observation and at no cost to the member.

VI. POLICY ADMINISTRATION

- A. The Chief of Police and the Personnel Officer are responsible for the adherence to and the implementation, enforcement, and monitoring of this policy.
- B. The Howard County Office of Human Resources will be responsible for the following:
 1. Sending notification of random screening examinations to the HCPD.
 2. Coordination of drug and alcohol screening, upon the request of the HCPD, when a reasonable suspicion of substance abuse exists.
 3. Development of contractual agreements with a collection center and a substance screening laboratory for the purpose of implementing this policy.
 4. Coordination of the substance screening record keeping process.
 5. Informing the Chief of Police of test results.
- C. HCPD members shall:
 1. Upon receipt of appropriate notification, report for urinalysis or breath test (Intoximeter or other state certified test procedure) at such time and place set forth in the notification.

2. Present their Departmental identification to personnel at the collection center designated by the County.
3. Complete all forms and provide all medical information related to the screening examination requested by personnel at the collection center designated by the County.
4. Immediately report to their supervisor any accidental exposure to any drug as defined within this General Order.
5. Immediately seek medical treatment when exposed to any drug as defined within this General Order.
6. Immediately write an administrative report to their supervisor when accidentally exposed to any drug as defined within this General Order.
7. Notify their supervisor, in writing, when taking prescription or non-prescription medications that may affect performance and/or behavior and identify the type of medication being taken as well as the effects which the medication may have on performance and/or behavior.

VII. TESTING PROCEDURES

A. Drugs

1. The Department, through the County Personnel Officer, will utilize independent collection facilities and laboratories for all urinalysis testing to determine drug abuse under this policy. The County will utilize only those laboratories that are certified or approved under Section 17-214.1, Health General, Annotated Code of Maryland, and collection facilities and laboratories that follow guidelines promulgated by the U.S. Department of Health and Human Services and the National Institute on Drug Abuse (NIDA).
2. Representatives of FOP Lodges 21 and 143 will be given notice thirty (30) days prior to a change in collection or laboratory contractors and will be given an opportunity to view the facilities of any new contractor selected by the County to provide collection or laboratory services related to the testing program.

B. Alcohol

1. Where a reasonable suspicion of alcohol abuse exists, a supervisor shall direct a member to take an Intoximeter or other blood test.
2. The test cannot be administered by a member of the same bargaining unit.
3. HCPD tests will be administered by a member certified in using the equipment who is at least one rank above the member being tested.
4. The Maryland State Police or other outside law enforcement agency or an appropriate medical facility may be utilized for this purpose, regardless of rank.

C. Substances subject to testing

1. Random, promotional, and any regularly scheduled medical examination drug testing programs will test for marijuana, cocaine, opiates, phencyclidine, and amphetamines.
2. When testing is conducted upon "reasonable suspicion," the HCPD may test for any substance.

- D. Testing Methodologies
 - 1. Drugs
 - a. The initial tests will use immunoassay techniques outlined in the guidelines promulgated by the U.S. Department of Health and Human Services.
 - b. The confirmatory test will be Gas Chromatography-Mass Spectroscopy (GC-MS).
 - 2. Alcohol: Tests undertaken to determine alcohol abuse will utilize the Intoximeter test or other state certified test procedure techniques.
- E. Testing Levels will be determined by the Human Resources Bureau.


VIII. TESTING RESULTS

- A. Test results will be forwarded by the independent laboratory to the Howard County Office of Human Resources where the results will be maintained in a confidential manner.
- B. The Howard County Office of Human Resources will advise the member being tested of a negative test result.
- C. The Howard County Office of Human Resources will advise the member being tested and the Chief of Police of any positive test results and that the tested has the right to request independent testing of the same sample taken from the member for verification of the presence of any prohibited substance by a laboratory certified and licensed in accordance with the laws of the State of Maryland and of the time period within which they must exercise such right.
- D. A member who refuses to be tested will be subject to discipline. Sworn officers will be subject to discipline in accordance with the Law Enforcement Officer's Bill of Rights (LEOBR), up to and including termination, and will be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.
- E. A member who tests positive for abuse of any drug will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, to include termination, and will be immediately removed from normal service and administratively assigned to duties which do not involve carrying a firearm or handling substances defined by this policy, pending the outcome of disciplinary proceedings.
- F. A member who tests positive for the abuse of alcohol will be subject to discipline.
 - 1. Any test result that reveals that there is .02 percent or more by weight of alcohol in the person's blood at the time of testing will be deemed positive.
 - 2. Sworn officers will be subject to discipline in accordance with the LEOBR, including termination, consistent with the member's work history, length of employment, current job performance, past disciplinary actions, and job assignment.
- G. A member who is convicted of off-the-job drug and/or criminal alcohol offenses will be subject to discipline. Sworn officers will be subject to discipline in accordance with the LEOBR, to include termination.

IX. CANCELLATION

This General Order cancels and replaces General Order ADM-34, entitled Substance Abuse Policy, dated June 1, 2007.

AUTHORITY:



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Chief of Police