



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: SUBSTANCE ABUSE POLICY	Chapter 4	Number 3	# Pages 7
References: CALEA Standards: N/A Administrative Regulation 4053	Related Orders: 1-1, 7-21, 08-03	Effective Date: 03/01/2024 Revised By: Review Prv. Rev. Date: 07/09/2019	
Chief of Police: <i>Robert N. Edwards</i>			

I. PURPOSE

The purpose of this directive is to establish a substance abuse policy and procedure for the Richmond Police Department. This directive contains information regarding the duties and responsibilities of both management and employees relative to substance abuse in the workplace.

II. SUMMARY OF CHANGE

This policy is due for triannual review. Updated language as it pertains to post crash investigations has been added. All changes will be bold and italicized throughout the document.

III. POLICY

It is the policy of the Richmond Police Department to establish and maintain a safe and healthy working environment for its employees, free from alcohol abuse and illegal drug use. To that end, the Department is committed to a policy of non-tolerance for its applicants and employees wherein alcohol abuse and illegal drug use are concerned.

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. ABUSE – Use of alcohol, illegal and/or 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 in such a fashion to cause physical or behavioral problems or under circumstances where use is not permitted.
- B. REASONABLE SUSPICION – Reasonable suspicion is based on the totality of the circumstances and shall be based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech, and/or body odor of the employee. In making a determination of reasonable suspicion, the factors to be considered will include, but are not limited to, the following: adequately documented pattern of unsatisfactory work performance for which no apparent non-impairment related reason exists; a change in an employee’s prior pattern of work performance, especially where there is some evidence of alcohol-related behavior on or off the worksite; physical signs and symptoms consistent with alcohol abuse; evidence of prohibited alcohol use, possession, sale or delivery while on duty; and occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.
- C. SUBSTANCE ABUSE POLICY (SAP) COORDINATOR – The Lieutenant assigned to the Internal Affairs Division that shall coordinate substance detection testing (alcohol and drug tests) within the Police Department.

VI. PROCEDURE

- A. General Information:

In all matters relative to alcohol abuse and illegal drug use in the workplace, the Richmond Police Department and its employees will conform to and be governed by the provisions of the City of Richmond’s Substance Abuse Policy, Administrative Regulation #4053. This policy is available online at [Administrative Regulation 4053 - Substance Abuse Policy 12012021 Signed.pdf \(rva.gov\)](#)

- B. Prohibition:

Pursuant to the Department’s Code of Conduct policy (General Order 1-1; Rules of Conduct 16-19), employees are bound to stringent guidelines concerning the possession and use of drugs and alcoholic beverages, both on and off duty. Any employee who violates these policies, or encourages violations by others, shall be subject to disciplinary sanctions, up to and including dismissal from City employment, pursuant to the Department’s Code of Conduct.

C. Exemptions:

Pursuant to conditions set forth in the Substance Abuse Policy of the City of Richmond, the Police Department has been granted certain exemptions that will enable our employees to carry out their official duties and responsibilities without violating its provision.

Employee Rules of Conduct:

1. Under proper and specific orders from a supervisory officer, a police officer may, in *their* official capacity, have possession of or consume, as required, alcoholic beverages and a police officer may, in *their* official capacity, have possession of narcotic and/or drug substances for the purpose of conducting an ongoing investigation. Under no circumstances shall this policy allow for the actual use of any controlled substances, narcotics or hallucinogens.

2. Training Exceptions:

Sworn and/or civilian employees engaged in Breath Alcohol Operator's Certification Courses and the Standardized Field Sobriety Test Battery may use alcoholic beverages pursuant to, and as an integral part of, the training process.

3. Testing of Recruits En Masse – Annual Testing:

Members of a recruit class may be tested en masse. This is considered an annual testing and will not be random or unpredictable.

D. Movement Testing Procedures: Alcohol detection tests will be conducted before a current employee transfers, is reassigned, demoted, promoted or moved from a position in one testing pool to a position in another testing pool covered under the Substance Abuse Policy. Alcohol detection testing is not permitted for employees moving without interruption from a non-test position to a non-test position or moving within the same test pool. RPD Human Resources will notify, in writing, transferred or reassigned employees who are eligible for movement testing prior to placement into the new position.

E. Pre-Employment Testing Procedures: All applicants, who are selected for employment and given a contingent job offer by a member of the RPD HR Division, shall undergo an alcohol detection test as part of the pre-employment physical. The OIC of Police Personnel & Recruitment will ensure that all selected applicants submit to testing and are qualified prior to their hire date. Persons who test positive shall be denied eligibility for employment and/or a personal services agreement. Denied persons will remain ineligible for a period of one year. Pre-employment test results for alcohol are valid for a maximum period of thirty (30) days.

F. Random Selection Testing Procedures:

The random selection procedure is a computer-based number generator by which a number is matched with a valid position number and the employee's social security number. For additional information regarding return-to-duty and follow-up substance detection testing selection process and procedures, refer to the City of Richmond's Substance Abuse Policy, Administrative Regulation #4053.

1. The City maintains a variety of "pools" from which the random selection process will take place. The percentage of persons to be tested from each of these pools is determined as mandated by City regulations.
2. Within every twelve (12) month calendar period, the City randomly tests a percentage from each pool, as designated by Human Resources. The specific percentage is maintained in Human Resources for review and inspection. An employee may be randomly picked more than once or not picked at all during a twelve-month period.
3. Only persons in the Central Human Resources Department, who are responsible for the administration of the Substance Abuse Policy, may conduct the selection of employee names for random testing. Any other person who requires an employee to submit to a random substance detection test shall be subject to disciplinary action, up to and including dismissal from City employment.
4. The SAP Coordinator or designee shall notify the employee's supervisor in person or by phone when an employee has been selected for random test(s). The supervisor shall notify the employee by telephone or in person of his/her selection. Voicemail messages, text messages and emails will be considered insufficient notifications. However, they may be used as follow up to telephone or in person communications. During the notification conversations, employees should be advised that they have 45 minutes to report to the testing site. If the selected employee is out on leave, the SAP Coordinator shall be immediately notified in writing. The supervisor shall document the notification on the Employee Notification of Random Substance Abuse Test form, located at X:\RPDForms\Safety Officer and Risk Management\SAP - Employee Notification of Random Substance Abuse Test.pdf, and shall complete and return the Employee Notification of Random Substance Abuse Test form to the Internal Affairs Division within 24 hours of notification. The Employee Notification of Random Substance Abuse Test form may be hand-delivered to IAD or it may be faxed to IAD at 646-6821.
5. The employee shall report for testing to the City's Employee Medical Testing Site within 45 minutes of being notified by his/her supervisor. Failure to report and/or submit to random testing within the allotted time frame may result in disciplinary action, up to and including dismissal from City employment.
6. When the selected employee is working in facilities outside of City limits and is unable to report to testing within 45 minutes, the employee's supervisor shall immediately notify the Police Department SAP Coordinator, who shall immediately notify the Central Human Resources Department.

7. Employees shall provide within one day (24 hours) of request, a current valid prescription for any drug found to be in his/her possession or identified in a positive drug screen analysis. Failure to provide a valid prescription shall give rise to a presumption that the employee did not legally possess or use the drug. Employees shall also notify his/her supervisor and/or civilian employee equivalent of any criminal drug related conviction within forty-eight (48) hours of the conviction.
- G. Reasonable Suspicion Testing Procedures: Employees shall be tested based on reasonable suspicion when any two supervisors (at least one of which must have successfully completed EAP Substance Abuse training) can observe and document clearly stated facts regarding an employee's work behaviors that would lead a prudent person to believe that the employee is under the influence of alcohol or drugs. Suspicious behaviors include, but are not limited to, slurred speech, smell of alcoholic beverage on body/breath, unexplained inability to perform job functions, or information obtained from a reliable person with personal knowledge.
1. Any supervisor believing that there is reasonable suspicion to require an employee to submit to an alcohol and/or drug detection test shall immediately notify another supervisor to meet with him/her to observe the employee's behavior.
 2. The employee's supervisor shall complete the Notification of Reasonable Suspicion form. The employee's supervisor will also be responsible for attaching a Complainant/Officer Statement (PD-118) from both him/herself as well as the other referring supervisor, documenting in detail, the facts constituting the reasonable suspicion that lead them to believe the employee was under the influence of alcohol/drugs.
 3. The supervisor or designee shall either transport or arrange for transport to the City's designated Employee Medical Services (EMS) provider to conduct the necessary tests. In no case shall an employee be allowed to drive or report to the EMS alone.
 4. If the employee refuses to be tested, the employee's supervisor shall remind *the employee* that *they are* required to submit to an alcohol/substance abuse testing and refusal to do so will constitute insubordination and violation of the City's Substance Abuse Policy. If the employee continues to refuse, *the employee* shall not be forced to take the test, but shall be immediately placed in a Leave without Pay Status (LWOP) and be transported home.
- H. Post-Accident Testing Procedures: Employees shall be tested for drugs and alcohol as soon as possible following *a* motor vehicle accident that occurred *while operating a city vehicle or certain equipment*.
1. *Each employee shall be required to submit to an alcohol test within 2 hours of the accident.* If a test is not administered within two (2) hours following the accident, the supervisor must submit a PD-118 advising why the test was not properly administered. If a test is not administered within eight (8) hours

following the accident, the supervisor shall cease all attempts to conduct the alcohol tests and shall submit a PD-118 along with the accident package indicating why the alcohol test was not conducted. A copy of all documents shall be forwarded to the RPD Human Resources Division Chief.

2. An employee who is subject to post-accident testing who fails to remain readily available shall be deemed to have refused to submit to testing.
3. ***If an employee is injured, unconscious, or otherwise unable to grant consent to the drug test, all reasonable steps must be taken to obtain a urine sample.*** Employees should not be prevented from obtaining the appropriate medical attention.

I. Physical Searches:

Physical searches shall be subject to the following rules:

1. If a supervisor has “reasonable suspicion,” as defined in this Policy, ***to believe that an employee possesses alcohol, drugs, or drug paraphernalia, the supervisor*** may request an employee to turn over any alcohol and/or drugs or paraphernalia on their person or to permit a search of areas under the employee’s sole control, including their personal vehicle. Such a request may not be made to an employee in the absence of reasonable suspicion. If the employee clearly, voluntarily and unequivocally gives permission, such a search may be made; but in the absence of such permission, a physical search may not be made without a warrant. The determination to seek a warrant must be made at the Captain’s level or above and an employee’s refusal to give permission may not be the basis for imposition of any discipline.
2. Supervisors may search, without employee consent, all areas and property in which the City maintains either joint control with the employee or full control. All city vehicles, city equipment and city-owned property are subject to full search without the employee’s consent.
3. If alcohol or illegal drugs ***or drug paraphernalia*** are found in an employee’s possession or in any area under ***the employee’s*** control, a sworn supervisor at the Captain’s level or above must be immediately summoned. All reasonable efforts, short of physical force, shall be used to prevent the employee from disposing of the alcohol/drugs before the sworn supervisor arrives.

J. Prevention and Training:

In an effort to avoid and eliminate alcohol abuse and illegal drug use in the workplace, the Department, through the Human Resources ***Manager*** or designee, will take affirmative steps to sensitize all of its employees to the unlawful nature of substance abuse and express strong disapproval of such conduct. The Department of Human Resources maintains an alcohol and drug awareness program for all City employees to include instruction on the conditions for testing for substances, confidentiality requirements, the impact of positive test results and applicable employee appeal rights.

K. Confidentiality:

All investigations into allegations of substance abuse shall be confidential and shall be thoroughly investigated following complaint procedures set forth in General Order 7-21, Internal Investigations, Citizen Complaints and Integrity Tests. Absolute confidentiality cannot be legally guaranteed, however, the Department will make every effort to preserve the confidentiality of all information. All employees are charged with maintaining confidentiality.

VII. FORMS

- A. PD-118, Complainant/Officer Statement
- B. Employee Notification of Random Substance Abuse Test
- C. Notification of Random Substance Abuse Testing
- D. Notification of Reasonable Suspicion Substance Abuse Testing
- E. Notification of Post-Accident Substance Abuse Testing
- F. *Panel of Physicians Form*