



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 56	Subject: Drug Testing Policy	Effective Date: 07/14/2003
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to provide the University of Pennsylvania Police Department (UPPD) with guidelines to be followed concerning drug testing of its employees.

Drug abuse has an adverse effect upon a police officer’s ability to execute his/her duties. The officer’s life, the lives of fellow officers and the lives of the public depend on the officer’s alertness and the ability to make rational decisions with a clear head unaffected by narcotics or controlled substances. Integrity is an essential element in our relationship with the public and that integrity is undermined when officers use drugs illegally, and thereby place themselves above the laws they are sworn to uphold.

II. Policy

It is the policy of the UPPD that the abusive and/or illicit use of drugs by its members will not be tolerated. The Department has a paramount interest in protecting and serving the public by ensuring that its employees are fit to perform their duties. Drug testing will be a part of the requirements of a routine physical examination. All sworn personnel shall be subject to random drug testing.

III. Scope

This directive shall affect all sworn police officers.

IV. Definitions

- A. Reasonable Suspicion: Sufficient facts or information to justify a reasonable belief that a drug test will produce evidence of illegal and/or abusive use of drugs.
- B. Routine Physical Examination: A regularly scheduled examination conducted by Occupational Health.

- C. Testing Officer: A member of the department, assigned by the **Chief of Police**, with full authority to ensure the validity of the entire drug testing process.
1. The Testing Officer will be of supervisory rank. Testing Officers will receive training in the proper and legal administration of this directive prior to the start of actual testing and shall receive additional training as required.
- D. Positive Result: A finding that indicates the presence of illegal drugs or controlled substances and/or non-controlled substances in and individual's urine and/or hair sample obtained by chemical laboratory testing. A result will be considered positive only after the confirmatory test has identified the presence of illegal drugs or controlled substances in and individual's urine and/or hair test. Cut-off levels will be established for each drug or drug metabolite to indicate what is considered a positive result by the contracted laboratory. These cut-off levels, which are listed in this directive, will be set at reliable forensic threshold levels and will be consistent with the levels of reasonable analytical accuracy.

V. Procedures

A. Methods for Drug Testing

1. The methods for drug testing will be by urinalysis and/or hair testing. All routine physical examinations required under **Section V.B.1** of this directive will include a urinalysis. For cases of reasonable suspicion, a urinalysis and hair test will be conducted. Random drug tests shall include a urinalysis and a hair test based on a percentage to be determined by the **Chief of Police**. One hair sample will be taken for each drug test and delivered to the contracted laboratory for testing.
2. Hair samples will be extracted primarily from the scalp. However, in the event that a necessary amount of specimen cannot be extracted, hair samples may be taken from an alternate site on the body, such as the arms or armpits, legs, chest, or other site deemed appropriate by the Testing Officer.
3. Prescription drugs (controlled and non-controlled) are to be administered as per the instructions of the prescribing medical or dental practitioner. It is the responsibility of the officer to make the prescribing medical or dental practitioner aware of the sensitive nature of the officer's job related duties prior to prescribing any medication.
4. Non-prescribed, over-the-counter medications must only be used in recommended dosage amounts. Employees must consider possible effects on job performance, both before and during dosing.
5. All information or reports submitted to or received by the department regarding drug testing is considered strictly confidential and the unauthorized dissemination of this information by a member of the department shall result in disciplinary action, up to and including dismissal.

B. General Procedures

1. Sworn personnel are ordered to provide a urine and/or hair sample as directed for a drug test under the following circumstances:
 - a. As part of a routine physical examination as outlined in **Section V.C** of this directive,
 - b. In reasonable suspicion cases as outlined in **Section V.D** of this directive, and
 - c. During random testing as outlined in **Section V.E** of this directive.
2. In all cases, once an employee has been notified that a drug test is necessary, he/she will:
 - a. Be under the direct supervision of the testing officer, where appropriate.
 - b. Will be assigned a test code for identification purposes in order to maintain anonymity and privacy throughout the sampling and testing procedure.
 - c. Complete all necessary paperwork required by the contracted laboratory.
 - d. Wash his/her hands thoroughly prior to the delivery of a urine and/or hair sample and shall deliver the sample in a quantity required for laboratory testing purposes. This will be done in the presence of a testing officer, where appropriate.
 - e. Sign the required forms, certifying that the sample corresponds with the test code identification assigned to the subject/employee.

C. Routine Physical Examinations

1. Routine physical examinations may be administered by the department under the following conditions:
 - a. Promotions.
 - b. Reinstatement: Any leave of absence or separation from the department, (including military leave) of more than fifteen working days in a consecutive period.
 - c. Return from extended sick leave, ten or more consecutive calendar days.
 - d. Prior to a transfer or assignment to special units.
 - e. Upon the request of a commanding officer.

D. Reasonable Suspicion Cases

1. Sight Impairment Situation: When a Shift Commander or Supervisor, based on observations or other articulated facts, believes that reasonable suspicion exists requiring a physical

examination (including a urinalysis and hair sampling), due to indications that an officer is unfit for duty or may be under the influence of drugs, the Shift Commander or Supervisor will:

- a. Contact the Captain of Staff and Administrative Services to review and confirm that a reasonable suspicion exists based upon the facts and circumstances of the incident.
- b. Request that the Testing Officer be available if necessary.
- c. When the Captain of Staff and Administrative Services believes that a reasonable suspicion exists, the Shift Commander or Supervisor will articulate this to the officer. The officer will be informed by the Shift Commander or Supervisor of his/her right to make a statement after the facts of the reasonable suspicion have been described. Further, the officer will be placed on administrative leave pending the outcome of the drug testing.
- d. The Shift Commander or Supervisor will take into custody the officer's duty weapon pending the outcome of the investigation.
- e. The Deputy Chief of Investigations will be notified by the observing Shift Commander or Supervisor. The Deputy Chief of Investigations will assign a Detective Supervisor to meet with the Shift Commander or Supervisor and to interview the officer. The Detective Supervisor will include his/her observations of the employee as well as the interview on a UPPD Investigative Report.
- f. The assigned Detective Supervisor will transport the employee to the physical examination site (along with the Testing Officer) and supervise the urinalysis and drug test component of the physical examination, collect the sample, and submit it to the laboratory for testing.
- g. The assigned Detective Supervisor will obtain the result of the laboratory report for the urinalysis and/or hair test.
- h. The assigned Detective Supervisor will inform the employee if the results were negative. However, if the results were positive, the assigned Detective Supervisor will interview the employee about the results and advise the officer of the procedures outlined in **Section I, "Re-Analysis Testing"**.
- i. The assigned Detective Supervisor will submit his/her report to the Deputy Chief of Investigations, stating in full the facts of the case, procedures followed, and all test results (including breathalyzer examination, if applicable). After review and approval by the Deputy Chief of Investigations, the report will be forwarded to the **Chief of Police**, who will determine the disciplinary actions to be taken against the officer.

E. Random Drug Testing

1. Random drug testing will be conducted according to the same standards as all other previously outlined tests.
2. Random drug testing will be administered by the Testing Officer. The Testing Officer will notify the Shift Commander or Supervisor before notifying the officer selected for testing.
3. Sworn personnel will not be required to undergo a physical as part of this test, with the exception of personnel who attempt to report off after they have been notified to appear. These officers will be escorted by the Testing Officer and an assigned Detective Supervisor to Occupational Health for an immediate physical examination and drug test.
4. The **Chief of Police** will designate the number of personnel that shall be required to submit samples for both a urinalysis and hair analysis test. The remainder will only be subject to a urinalysis test. One hair sample will be taken for each drug test and shipped to the contracted laboratory for testing.
5. Random drug testing can be conducted on any day of the week and during any tour. Collection of samples will be conducted at the UPPD Headquarters Building by the Testing Officer or his/her designee. All collected samples will be forwarded to the contracted laboratory per the terms of the written agreement between the UPPD and the laboratory.
6. Selection shall be at random, generated by computer at the contracted laboratory. This selection is taken from the personnel database on a monthly basis. Upon request, the bargaining unit will be provided with a copy of the previous month's random selection list, at the beginning of each month.

NOTE: Under this system, it is possible that a member of the Department may be randomly tested more than once a year. This is due to the fact that the list includes all sworn personnel available for testing.

7. If personnel selected during the monthly period are unavailable due to legitimate reasons they will not be tested.
8. Personnel notified to appear for random drug testing must appear when scheduled with no exceptions and will not be permitted to report off until they have been tested.
9. When the Testing Officer is selected for a random drug test, the Captain of Staff and Administrative Services will select a Shift Commander or Supervisor to ensure the integrity of the test by being present for the collection of the sample(s).

F. Testing Officer's Responsibilities

1. In "reasonable suspicion" cases, the Testing Officer will be responsible for the following:
 - a. Accompanying the officer and the assigned Detective Supervisor to the site of the physical examination, and observe the physical collection of the samples.

- b. Providing the employee with all forms required to be completed prior to testing, and ensure that a test identification code is assigned.
 - c. Supervise and observe all aspects of the following:
 - 1) Maintain presence during the collection of the samples in order to ensure that no adulteration, alteration, or substitution has been made by the employee.
 - 2) Mark the individual urine and/or hair sample by matching the sample with the employee's test identification code.
 - 3) Assure that the required forms have been completed according to the chain-of-custody and have the officer certify that the sample corresponds with his/her test identification code by signing the appropriate forms.
 - 4) Protect sample containers and seals against contamination or tampering by keeping them in a secure area until the samples are taken.
 - 5) Perform any further steps that may be required in order to maintain legal procedure, controlling all steps from initial notification of the officer to the final marking, sealing, and transport to the testing laboratory.
 - 6) Inform the employee that he/she will be placed on administrative leave pending the results of laboratory analysis.
 - 7) Delivering to the assigned Detective Supervisor all reports, test records, and documents relative to the test and/or chain of custody.
2. In routine physical examinations, the Testing Officer will be responsible for the following:
- a. Supervising and observing that the collection of the drug test sample is in accordance with departmental policy.
 - b. Delivery of all records pertaining to the drug tests to the Office of the Captain of Staff and Administrative Services for processing and storage until the results are received from the contracted laboratory.
 - 1) If the results of the test are positive, forward the information to the Captain of Staff and Administrative Services. The Captain of Staff and Administrative Services will then inform the officer that he/she will be placed on administrative leave pending further investigation and sample re-testing.
3. During random drug testing, the Testing Officer will be responsible for the following:
- a. Providing the private laboratory with a monthly list of all sworn personnel for generation of the random list.

- b. Notification of the Shift Commander or Supervisor of the officer(s) who have been selected for random drug testing.
- c. Following the basic guidelines and procedures for supervising and collecting the drug test samples.

G. Disciplinary Action

1. Disciplinary action of dismissal will be taken against any sworn member of the department under the following conditions (except for letters d. and e. which shall include discipline up to and including dismissal):
 - a. A urinalysis and/or hair test indicating a positive result as defined under Section IV. D. of this directive.
 - b. Refusal of a direct order to submit to a drug test by an employee. This action will be considered as a cause to suspend the officer with the intent to dismiss.
 - c. Any action or attempt by an officer to alter, taint, or impair the validity of a drug test including any adulteration or substitution of a sample.
 - d. The use of a prescription drug (controlled or non-controlled) which was not prescribed for the officer by a licensed medical practitioner.
 - e. The abuse and/or illicit use of prescription and/or non-prescription drugs.

H. Laboratory Testing

1. The testing of urine and hair specimens of sworn personnel will be completed by a qualified medical laboratory selected by the department who will meet the departmental contract specifications which will ensure results that are legally supportable and scientifically accurate.
2. With the delivery of each specimen, the department will designate to the testing laboratory only certain specific drugs for which the specimen is to be analyzed. The testing laboratory will report findings only as to those specific substances contained in the department request.
3. To ensure optimum accuracy, the tests will be drug-specific. The drug abuse screening test will consist of two tests:
 - a. The initial test of each urine and/or hair sample will employ a methodology different from the secondary confirmation test.

- b. The initial test will use an “emit test and/or a thin-layer chromatography process unless a different process has been approved by the department. The testing process at the laboratory for the initial analysis will be completed in 24 to 48 hours.
 - c. The secondary confirmation test of any positive findings on specific drugs selected to be screened in the subject shall be accomplished by the gas liquid chromatography/mass spectrometry method.
 - d. The initial test procedure for determining the presence of cannabinoids will be immunoassay. Secondary confirmation testing of a positive result for the presence of cannabinoids will be gas chromatography/mass spectrometry.
4. The testing laboratory contracted by the department to test urine specimens under this directive must continue the uninterrupted chain-of-custody procedure from receipt of specimens to chain-of-control of all specimens. This will help to establish fundamental accountability and reliability of testing from a legal viewpoint at each stage in the handling, testing, and storing of specimens and reporting of the test results.
 5. The testing laboratory is subjected to appropriate external proficiency-testing and internal quality assurance procedures for evaluating the performance of its testing process and procedures. These procedures must be in conformance with Pennsylvania law and contract specifications. The testing laboratory will not be allowed to know the identity of the subject tested.
 6. Strict confidentiality must be maintained throughout the entire testing and reporting process. Results of the test will be forwarded only to the Testing Officer, or to any other person specifically authorized by the **Chief of Police** to receive test results. Test results must either be hand delivered or sent electronically.

I. Re-Analysis Testing

1. The department’s contracted laboratory for urine specimens will be required to store a portion of a positive urine specimen for a period of one year. Officers who have tested positive for drugs will have the option of a re-analysis test. The re-analysis test will be conducted on the split specimen, which will remain sealed at the lab for one year. The officer will be responsible for all costs including shipping to a certified lab of their choice and the testing of the specimen. The lab conducting the re-analysis must be certified by the U.S. Department of Health and Human Services.
2. From the date that an employee has been notified that they have had a positive urine test for drugs, the employee has 30 days to notify in writing the Captain of Staff and Administrative Services of their request for a re-analysis test. The officer must provide the name and address of the lab, and the name of the contact person at the lab. All costs are the responsibility of the employee.

3. An officer who has had a positive hair test can request a safety net test by providing a second hair sample for testing. The subject officer must provide the second hair sample within ten days of his notification of a positive test result. The request must be in writing to the Captain of Staff and Administrative Services. The safety net sample can be sent to the department's contracted laboratory or to National Medical Services in Willow Grove, PA. National Medical Services does not perform marijuana tests on hair samples. All costs of testing are the responsibility of the officer requesting the test.
4. The laboratory conducting the re-analysis test must provide the Captain of Staff and Administrative Services with a written report of the results of the testing conducted on behalf of the employee.

J. Drug Testing Cut-Off Levels and Results

1. These listings represent the screening and confirmatory test cut-off levels of the department.
2. The department may change the test cut-off levels, and add or delete drugs to be screened, as changes in technology or other considerations warrant identification of these or other substances at other concentrations. The department will provide at least a 30-day notice of any change in test cut-off levels.

<u>Cut-off levels (urine)</u>	<u>Emit Screen</u>	<u>GC/MC screen</u>
THC/Marijuana Metabolites	20 NG/ML	15 NG/ML
Cocaine/Metabolites	300 NG/ML	150 NG/ML
Opiates/Metabolites	2000 NG/ML	2000 NG/ML
Phencyclidine	25 NG/ML	25 NG/ML
Amphetamine/Methamphetamine	500 NG/ML	500 NG/ML
Barbituate	300 NG/ML	300 NG/ML
Benzodiazepine	300 NG/ML	300 NG/ML
Methaqualone	300 NG/ML	300 NG/ML
Methadone	300 NG/ML	300 NG/ML
Propoxyphene	300 NG/ML	300 NG/ML

<u>Cut-off levels (hair)</u>	<u>RIAH</u>	<u>GC/MS</u>	<u>Safety-net</u>
Cocaine	5ng/10mg	5ng/10mg	2ng/10mg
Opiates	5ng/10mg	5ng/10mg	2ng/10mg
PCP	3ng/10mg	3ng/10mg	1ng/10mg
Amphetamine	5ng/10mg	5ng/10mg	2ng/10mg
Marijuana	1ng/gm	1pg/10mg	2pg/10mg

3. Since the controlled substances listed above were not meant to be all inclusive of the federally designated drugs subject to abuse, the department reserves the right (e.g. in reasonable suspicion/cause) to perform analysis for additional controlled substances (Schedules 1 through 5). Appropriate forensic analytical techniques (e.g. gas chromatography/mass spectrometry) will be used to detect, identify and measure (to the limit of quantitation) such illicit agents or prescription-only medications.
4. Cut-off levels for drugs not listed above will be at the limit of quantitation.
5. Positive Dilute Results- If the UPPD receives information that a positive drug test was dilute, the UPPD will treat the test as a verified positive test.
6. Negative Dilute Results- If the UPPD receives information that a negative drug test was dilute, the UPPD will require the officer retake the test. The UPPD will consider the first test voided and use the results of the second test.

K. Exposure to Illegal Controlled Substance

1. Officers in on-duty or off-duty status, who become aware that they indirectly or accidentally have breathed, ingested, or otherwise internalized illegal controlled substances will report such occurrences, take police action where appropriate, or explain why police action could not have been taken.
2. The officer, whether indirectly or accidentally exposed to a controlled substance, will immediately submit a memorandum detailing the incident to his/her Shift Commander or Supervisor. The Shift Commander or Supervisor will forward the memorandum to the Office of the Captain of Staff and Administrative Services.

L. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

M. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

N. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.