

UNIT ORDER #52 - RANDOM DRUG TESTING PROGRAM PROCEDURES

PURPOSE AND SCOPE OF THIS DIRECTIVE:

To establish procedures regarding Internal Affairs Bureau's (IAB) investigative and administrative responsibilities in the event of a positive drug test administered through the Random Drug Testing Program.

BACKGROUND:

The Sheriff's Department Random Drug Testing Program is governed by Memoranda of Understanding (MOU) between the Department, the Association for Los Angeles Deputy Sheriffs (ALADS), and the Professional Peace Officers Association (PPOA). It was originally implemented on September 1, 1990, and involves sworn department members and a few professional staff who are assigned to the Crime Lab.

The Random Drug Testing Unit administers the Random Drug Testing Program. The day to day coordination and operation (specimen collection) of the unit are assigned to the Risk Management Bureau (RMB), which is supervised by a commander assigned to the Professional Standards Division (PSD). In addition, the PSD Commander has the responsibility as the Sheriff's Department Drug Abuse Program Director.

DUTIES AND RESPONSIBILITIES:

When the Medical Review Officer reviews a positive laboratory test, he or she may need to consult with the test subject to immediately verify the subject's statements concerning the results of that test. IAB is designated as the investigative unit to assist in that regard. The Medical Review Officer shall convey his or her informational needs to IAB investigators through the PSD Commander. Information obtained by IAB for the Medical Review Officer shall be reported back to the PSD Commander, who in turn will relay the information to the Medical Review Officer.

In the event of a positive drug test, the IAB has a two-phase responsibility for the Random Drug Testing Program.

Phase 1: IAB shall be available to provide administrative investigative assistance to RMB's Random Drug Testing Unit.

Concurrently, the PSD Commander/Drug Abuse Program Director will consult with the Department's Medical Review Officer in order to determine if further administrative action is warranted. An IAB file number **shall not** be assigned to the case during this initial phase.

Phase 2: This phase will be initiated by the decision of the PSD Commander, to report a positive drug test to a test subject's Division Chief (or higher). At that time, the PSD Commander shall request IAB to concurrently relieve the test subject of duty with pay, and to initiate an immediate administrative investigation.

Note: In the event a test subject refuses to take a drug test or is unable to provide a specimen for the test, the refusal is procedurally treated as a positive test and the PSD Commander will request IAB to concurrently relieve the test subject of duty and to initiate an immediate administrative investigation.

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When IAB is tasked with relieving a test subject of duty, IAB's on-duty roll-out Team Lieutenant shall cause an IAB file number to be issued and the case to be assigned to an investigator.

DOCUMENTS FURNISHED TO RELIEVED OF DUTY EMPLOYEES:

Whenever IAB personnel relieve a test subject of duty at the direction of the Commander, they shall furnish the test subject with the following documents:

1. A copy of the Laboratory Report (as specified in Part V, Section F of the Random Drug Testing Program, amendment to MOU);
2. The Medical Review Officer's written report; and,
3. A written notice of his or her right to have the second urine sample independently tested and reviewed by an independent Medical Review Officer.

The documents may be obtained by request from the PSD Commander/Program Director, who will have access to the documents from the Medical Review Officer.

IAB UNIT COMMANDER UPDATE:

Although IAB investigators may be dealing with several Department executives and may receive conflicting directions, it is incumbent upon each investigator to keep the IAB unit commander and/or the handling Team Lieutenant up-to-date on the events as they unfold.

INVESTIGATIVE DELAYS:

Most of the specifics of the Random Drug Testing Program are covered in amendments to the current PPOA and ALADS MOU's. The MOU's provide for additional independent laboratory testing, and for additional review and specimen testing by an independent Medical Review Officer.

Generally, laboratory testing and the results of positive tests are available to the PSD Commander/Program Director within five (5) business days from the collection of the sample. However, laboratory retesting and independent Medical Review Officer reviews may delay the availability of the results, thereby delaying the timely completion of the investigation. A reasonable time deemed for this retesting process to occur is 30-days. The progress of all cases delayed beyond 30-days shall be reported by the IAB investigator via memorandum to the Unit Commander and/or the handling roll-out Lieutenant at the 30-day mark. Additionally, the case status shall be updated in writing by the investigator every 14 days thereafter.

ASSEMBLY AND ROUTING OF THE INVESTIGATIVE PACKAGE:

The investigative package shall be assembled in a manner identical to any other IAB investigation with the exception that there shall be no interviews

On many occasions, the accumulated scientific evidence and medical reports are enough to submit the case without conducting an interview of the subject. The decision to conduct an interview will be made on a case by case basis.

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Completed investigations shall be routed for review within IAB in a manner consistent with other IAB investigations. However, once approved by the IAB investigator's Lieutenant, the case file shall be routed directly to the test subject's Division Chief, and not the test subject's Unit Commander as is normally done.
