



Kern County Sheriff's Office
Policies And Procedures

TITLE: EMPLOYEE DRUG TESTING		NO: C-500	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 05/25/2023	REVISED: 09/29/2008	UPDATED: 05/25/2023

POLICY

No employee of the Kern County Sheriff's Office shall be under the influence of, or otherwise engage in the use, possession, transport, purchase, sale, or other distribution, of a controlled substance, or alcohol at any time while on duty:

- Shall not report for duty within (8) eight hours after the consumption of any alcoholic beverage, or report for duty with a blood alcohol concentration of .04 BAC, or higher.

Unless one of the following conditions exists:

- The possession occurs lawfully as a result of an on-duty seizure in the performance of your official duties; or processing of evidence as part of a criminal investigation; or in the performance of any other official duties;
- The employee came under the influence of a controlled substance as a result of an accidental contamination;
- The employee is an undercover peace officer who was performing essential on-duty activities during the performance of assigned duties.

No employee shall report for duty under the influence of a medication prescribed to the employee and, due to the medication, the employee is unable to safely, or effectively perform assigned duties.

If the employee reports that a positive test for a controlled substance is the result of a prescription drug, the officer shall be instructed to provide adequate evidence of the prescription as soon as possible.

Any employee witnessing a possible violation of this policy shall immediately report the suspected violation to their immediate supervisor (or to the next superior officer in their chain of command if the possible violation is by the immediate supervisor, or any other ranking officer within the Sheriff's Office).

DIRECTIVE

A positive result from a drug, or alcohol analysis will result in appropriate personnel action which may include disciplinary action, up to and including, dismissal.

Testing may be done on an employee only when there is reasonable suspicion, based on articulable facts that:

- The employee is under the influence, or otherwise engaging in the use, possession, transport, purchase, sale, or other distribution of alcohol, or any controlled substance;
- The employee has violated Sheriff's Office policies governing reporting to work under the influence of a prescribed medication;
- The employee has violated Sheriff's Office policies governing being under the influence of, or otherwise engaging in the use, possession, purchase, or sale of alcohol while on duty.

An employee may request testing if he has been exposed to a controlled substance capable of being involuntarily absorbed into the body, including those situations in which an employee believes he has been contaminated.

PROCEDURE

Reasonable Suspicion Testing

Any supervisor or command officer who becomes aware of any of the above will:

- In all cases where the employee is under the influence, or possibly under the influence of prescribed medication, alcohol, or controlled substances:
 - Keep employee in location away from public and other officers;
 - Maintain intermittent observation of the employee;
- If accidental exposure, take steps necessary to protect the employee's health and safety;
- For possible prescribed medication, or controlled substances violations, obtain a urine sample and submit it for analysis following standard procedures. This test will be for administrative purposes only;
- If the employee is suspected of being under the influence of alcohol, the employee shall submit to a Preliminary Alcohol Screening Test. A trained operator at the direction of a supervisor will conduct the test. This test will be for administrative purposes only;

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- If the employee’s off-duty conduct violates Sheriff’s Office policy and/or law:
 - Prepare written report in memo form;
 - Forward through the chain of command to the appropriate Chief Deputy;
- If immediate action is necessary to protect the public, or employee’s health and safety, follow steps as if on duty;
- If the employee’s on duty conduct violates Sheriff’s Office policy and/or law:
 - Notify appropriate Lieutenant, Commander, or Chief Deputy immediately;
 - Take steps necessary to protect public and employee’s health and safety.

For the purpose of determining whether an employee is under the influence the Sheriff has adopted the quantitative drug levels listed in the County of Kern Alcohol and Drug Policy, Exhibit C (“Reasonable Suspicion Screen”). These quantitative drug levels are for administrative purposes only.

If the employee’s actions are suspected to be criminal in nature, a Lieutenant, Commander, or Chief Deputy upon receiving such information will:

- Contact the Special Investigations Division Commander, or in his absence the SID O.I.C., and assign the investigation to a narcotics investigator. If the possible criminal activity involves the use of alcohol, the Watch Commander will assign an appropriate investigator from this agency or any other law enforcement agency in the State of California.

The assigned narcotics investigator will:

- Investigate the matter following accepted narcotics investigation techniques;
- If probable cause does not exist and no criminal case can be pursued, send the investigative package through the chain of command to the Sheriff-Coroner.

The assigned investigator for possible alcohol related criminal activity will:

- Investigate the matter following accepted investigation techniques.

In all cases alleging violations of this section:

- An Internal Affairs investigation will be initiated.

In all such cases, the assigned Internal Affairs investigator will:

- Conduct a thorough investigation following accepted and lawful Internal Affairs investigation practices.

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