



Kern County Sheriff's Office
Policies and Procedures

TITLE: ALCOHOL AND DRUG TESTING		NO: C-0520	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: January 1, 2019	REVIEWED: 07/09/2020	REVISED: 07/09/2020	UPDATED: 07/09/2020

BARGAINING UNITS

This policy is implemented for the Kern County Sheriff's Command Association (KCSCA), Kern Law Enforcement Association (KLEA), and Kern County Detentions Officer Association (KCDOA) bargaining unit employees. Service Employees International Union (SEIU) bargaining unit employees will continue to adhere to DPPM C-0500 Employee Drug Testing.

POLICY

Employees of law enforcement agencies are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and wellbeing of the community they serve, as well as delivery of effective police services. The Kern County Sheriff's Office has a duty and responsibility to the residents and visitors of Kern County to ensure its officers and employees perform their duties without impairment due to abuse of controlled substances and/or alcohol. The Kern County Sheriff's Office also has a duty to provide all its employees with a healthy, safe, and drug free work environment.

Employment in the field of law enforcement imposes upon persons attracted to it, responsibilities and limitations on freedom of action which do not exist in other callings. Sworn members may be armed, required to drive county vehicles, required to drive with due regard under emergency and high stress conditions in the performance of their duties, carry out law enforcement functions in both public settings or detention facilities, and make decisions under high stress conditions. Therefore, it is necessary to hold sworn members of the Sheriff's Office to the highest standard of conduct possible.

The Kern County Sheriff's Office has determined that pre-employment, reasonable suspicion, and random drug testing is necessary to accomplish its compelling governmental interests of maintaining public safety and law and order in the community and maintaining security within courts and detention facilities under its control. Therefore, the Kern County Sheriff's Office shall conduct pre-employment, reasonable suspicion, and random drug and alcohol testing of applicants and employees.

Employees who have a positive result from a drug or alcohol analysis may be subject to appropriate disciplinary action up to and including termination of employment.

All aspects of this drug testing program that may be applied to employees shall be on County time and paid consistent with any applicable Memorandum of Understanding.

DIRECTIVE A:

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:

- No employee shall 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 because of an on-duty seizure in the performance of 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 because of an accidental contamination;
- The employee is an undercover peace officer who was performing essential on-duty activities during the performance of assigned duties.

DIRECTIVE B:

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.

Use of medically prescribed medications and drugs is not by itself a violation of this policy. However, an employee who is taking medication, which could foreseeably interfere with the safe and effective performance of duties or the operation of County equipment, must inform his/her supervisor before beginning work. It is the employee's responsibility to know the impairing effects of a prescribed medication. Failure to inform one's supervisor of a potential impairment relating to the employee's use of prescription medication can result in discipline, up to and including dismissal. If there is a question about an employee's ability to safely and effectively perform duties while using medications, the clearance from a qualified physician may be required.

DIRECTIVE C:

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

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PRE-EMPLOYMENT DRUG TESTING:

The Kern County Sheriff’s Office has a duty to provide professional law enforcement services and operate its courts and detention facilities in a safe and secure manner including the prevention of contraband (including drugs) from entering the jails.

The Kern County Sheriff’s Office has a duty to safeguard the confidentiality of criminal justice information contained in the California Law Enforcement Telecommunications System (“CLETS”) and the Criminal Offender Records Information (“CORI”) system, the breach of which could hamper the Sheriff’s ability to maintain law and order.

The Kern County Sheriff’s Office has compelling governmental interests in these areas and has determined that pre-employment drug testing is necessary in accomplishing these objectives. Therefore, the Kern County Sheriff’s Office shall conduct pre-employment drug testing of applicants for positions involving the following activities:

- All positions involving the use of firearms and all positions directly engaged in drug interdiction.
- All positions with access to prisoners or unsupervised access to contraband (including drugs).
- All positions with access to the California Law Enforcement Telecommunications System (“CLETS”) or the Criminal Offender Records Information (“CORI”).

Pre-employment drug testing will be conducted as part of the background process for all newly hired employees, and county employees who transfer in or promote to specified positions in the Sheriff’s Office from other county departments. Notwithstanding the foregoing, pre-promotional drug testing will not be conducted on Sheriff’s employees who have previously passed a county pre-employment drug test and seek promotion within the Sheriff’s Office.

DEFINITIONS

Controlled Substances: Any drug or other substance, defined as a “controlled substance” by California Health and Safety Code Sections 11053 – 11057, which is either: (1) not legally obtainable by the applicant, or (2) which has not been legally obtained by the applicant for prescribed medical purposes, or (3) which has been legally obtained by the applicant, but which has been (a) abused for non-medical purposes, or (b) which may impair the applicant’s ability to safely or effectively perform assigned duties.

DIRECTIVE A

Pursuant to Civil Service Rule 307.10.02, applicants shall be disqualified from employment if reliable evidence is discovered, during the application process or background investigation, that the applicant is currently using illegal drugs. In addition, pursuant to Civil Service Rule 307.10.03, applicants shall be disqualified for failing the pre-employment drug test described in this policy.

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PROCEDURE

The background investigator will:

- Cause the applicant to respond to National Toxicology Laboratories or a County approved vendor for a drug test for the following positions:
 - Sheriff
 - Undersheriff
 - Chief Deputy Sheriff
 - Sheriff’s Commander
 - Sheriff’s Lieutenant
 - Sheriff’s Sergeant
 - Senior Deputy Sheriff
 - Deputy Sheriff
 - Detentions Deputy Lieutenant
 - Detentions Deputy Sergeant
 - Detentions Senior Deputy
 - Detentions Deputy
 - Detentions Officer
 - Detention Officer Food Specialist
 - Coroner Division Chief
 - Administrative Coordinator
 - Crime Prevention Coordinator
 - Crime Prevention Specialist
 - Confidential Administrative Assistant
 - Sheriff’s Records Administrator
 - Sheriff’s Senior Support Specialist
 - Sheriff’s Support Specialist
 - Sheriff’s Support Technician
 - Human Resources Manager
 - Office Services Assistant
 - Sheriff’s Civil Litigation Coordinator
 - Sheriff’s Property Control Officer
 - Technology Services Manager

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- Technology Services Supervisor
- Computer Programmer
- Senior Information Systems Specialist
- Senior Administrative and Fiscal Officer
- Sheriff's Aide
- Warehouse Supervisor
- Structural Maintenance Superintendent
- Detention Officer Maintenance Worker
- Maintenance Worker I/II/III/IV
- Maintenance Supervisor
- Maintenance Plumber
- Air Conditioner Mechanic
- Maintenance Electrician
- Fleet Manager
- Auto Mechanic I/II
- Aircraft Pilot
- Aircraft Mechanic
- Sheriff's Dispatch Supervisor
- Sheriff's Senior Dispatcher
- Sheriff's Dispatcher
- Sheriff's Dispatch Assistant
- Sheriff's Program Specialist
- Sheriff's Program Technician
- Supervising Sheriff's Report Technician
- Sheriff's Report Technician
- Evidence Technician
- Identification Technician
- Light Vehicle Driver
- Deputy Public Administrator
- Autopsy Assistant
- Medical Transcriptionist

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- Property Control Officer
- Coroner Manager
- Supervising Deputy Coroner
- Deputy Coroner
- Network Systems Administrator
- Public Information Officer
- 911 Coordinator
- Groundskeeper
- Volunteer/Intern

- The background investigator will obtain the results of the drug test from National Toxicology Laboratories or a County approved vendor.
- The background investigator will notify the applicant of any positive drug testing results.
- The background investigator will cause the results of the drug test to be filed in the applicant’s background file.

REASONABLE SUSPICION DRUG TESTING:

Managers and supervisors may request that an employee submit to a drug or alcohol test when a manager or supervisor has a reasonable suspicion, based on articulable facts, that an employee is under the influence of drugs or alcohol while on the job or on stand-by.

DEFINITIONS:

“Reasonable suspicion” is a belief based on objective facts sufficient to lead a supervisor or manager to suspect that an employee is under the influence of drugs or alcohol such that the employee’s ability to perform the functions of the job is impaired or the employee’s ability to perform his/her job safely is reduced.

FOR EXAMPLE, any of the following, alone or in combination, **MAY** create reasonable suspicion:

1. Slurred or incoherent speech;
2. The odor of an alcoholic beverage on the breath;
3. Unsteady walking and movement;
4. An accident involving County property (including motor vehicle accidents) where the influence of drugs or alcohol cannot immediately be ruled out as a contributing factor;
5. Unusual appearance (e.g. glassy or bloodshot eyes);
6. Unusual or irrational behavior;

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- 7. Possession of alcohol or drugs in the workplace;
- 8. Information received from a reliable person with personal knowledge.

DIRECTIVE A:

Any manager or supervisor requesting an employee to submit to a drug or alcohol test **SHALL** document in writing, the facts which caused their reasonable suspicion that the employee in question was intoxicated or under the influence of drugs. Said documentation shall be maintained by the manager/supervisor’s department for use if disciplinary or legal action becomes necessary.

DIRECTIVE B:

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 while on duty;
- 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 or controlled substances, 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 or she has been contaminated. An employee’s failure to request such testing shall not create a presumption or implication that a positive test for a controlled substance is not attributable to such an exposure.

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 blood or

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urine sample in accordance with accepted drug influence evaluation techniques. Any sample obtained will be processed and submitted in accordance with the Kern County District Attorney's Crime Lab procedures and Sheriff's Office procedures for booking evidence.

- 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;
- If the employees on duty conduct violates Sheriff's Office policy and/or law:
 - o Notify appropriate Lieutenant, Commander, or Chief Deputy immediately;
 - o 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 (Refer to page 10 of this policy). These quantitative drug levels are for administrative purposes only.

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

- Contact the Special Investigations Division (SID) Commander, or in his/her 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

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investigation practices.

DIRECTIVE A:

If a drug screen is positive, the employee must provide, within 24 hours of request, proof of a current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable proof of a prescription, or if the prescription is not in the employee's name, or if the employee has not previously told his or her supervisor of potential impairment due to use of medication, the employee will be subject to disciplinary action, up to and including termination of employment.

DIRECTIVE B:

All testing will be conducted in accordance with this policy (including the option for blood test rather than urine) and Schedule D, section 10.0 (Drug Testing Procedures) of the County of Kern Alcohol and Drug Abuse Policy.

<https://www.kerncounty.com/CAO/policy/default.aspx?tab=0>

DIRECTIVE C:

Laboratory analysis of samples shall be restricted to those tests authorized by this policy to detect drug abuse. They shall not be used for other purposes such as genetic testing, analysis of psychological states, medical conditions, and detection of diseases (e.g., pregnancy, AIDS or cancer therapy). The test will be for administrative purposes only.

TESTING FOLLOWING MOTOR VEHICLE ACCIDENT:

Employees shall submit to blood alcohol content testing (by breath, blood or urine test) and controlled substance testing (by blood or urine test) following any motor vehicle accident in a county vehicle or in the course and scope of Kern County Sheriff's Office business if:

1. The investigating law enforcement agency requests testing during their investigation.
2. The supervisor has reasonable suspicion, based on articulable facts listed under the Reasonable Suspicion Drug Testing section of this policy.

COUNTY of KERN ALCOHOL and DRUG POLICY, EXHIBIT C

All drug testing conducted by the Sheriff's Office will be capable of detecting the following drugs or drug groups at the listed screening and confirmation levels (in NG/ML by each method):

	CONFIRMATION	SCREENING
• AMPHETAMINES	300	260
• Amphetamine/Methamphetamine		
• MDMA/MDA (Ecstasy)	1000	260

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•	BARBITURATES	300	100
	Amobarbital		
	Boutalbarbital		
	Butalbital		
	Pentobarbital		
	Phenobarbital		
	Secobarbital		
•	BENZODIAZEPINES	300	100
•	CANNABINOIDS	20	10
	Marijuana (THC)		
•	COCAINE	300	150
	Benzoylacognine		
•	OPIATES	300	150
	Codeine/Morphine		
	Heroin		
	Hydrocodone/Hydromorphone		
•	METHADONE	300	100
•	METHAQUALONE	300	300
•	PHENCYCLIDINE	25	25
•	PROPOXYPHENE	300	300
	Norpropoxyphene		
•	OXYCODONE	100	100

CONFIRMATORY TEST:

- All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry techniques. All confirmations shall be by quantitative analysis.
- Concentrations, which exceed the linear region of the standard curve, shall be documented in the laboratory record as “greater than highest standard curve value.”

RETEST PROCESS:

Employees who test positive for one or more drugs will be given the opportunity to have a portion of the sample (urine or blood) retested by another laboratory as specified in Schedule D, section 10.0 (Drug Testing Procedures) of the County of Kern Alcohol and Drug Abuse Policy.

RANDOM DRUG TESTING:

The Sheriff, Undersheriff, Chief Deputy Sheriffs, Sheriff’s Commanders, Sheriff’s Lieutenants, Sheriff’s Sergeants, Senior Deputy Sheriffs, Deputy Sheriffs, Detentions Deputy Lieutenants, Detentions Deputy Sergeants, Detentions Senior Deputies, and Detention Deputies are subject to random drug testing.

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There will be (2) two random selection processes conducted per calendar year at the discretion of the Sheriff. The selection will include three percent (3%) of staff covered in each law enforcement bargaining unit, Kern County Sheriff's Command Association (KCSCA), Kern Law Enforcement Association (KLEA), and Kern County Detentions Officer Association (KCDOA). The Sheriff and Undersheriff will be placed into the selection process with the members of KCSCA. Members subject to testing may be ordered to submit to a drug test whenever randomly selected, up to two (2) times in a twelve (12) month period.

Employees will be subject to random, unannounced drug and alcohol testing. The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety employees. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made. (The County approved random selection process company will be utilized for this purpose).

Random drug/alcohol tests conducted under this policy are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed. A covered employee shall only be randomly tested for drug/alcohol misuse while the employee is performing their duties. A covered employee may be randomly tested for prohibited drug and alcohol use anytime while on duty. A selected employee will be notified of the test at the beginning of their work shift and depending on the employee's work schedule, a selected employee will have four (4) hours to respond to National Toxicology Laboratories or a County approved vendor upon being notified of the test. An employee that is currently on approved leave and in a verifiable treatment program shall not be subject to the random testing portion of this policy.

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