

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS
CHAPTER 204
COMPENSATION, BENEFITS AND WORKING CONDITIONS

Effective date: 03/23/20

Revision date: 02/07/20

Rescinds: GO 204.9 (03/19/01)

New materials underscored

Accreditation Standards:

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS
G.O. 204.9

I. PURPOSE

To establish and define procedures and guidelines for the Maui Police Department's drug urinalysis screening program.

II. POLICY

- A. The Department recognizes that drug use can have a serious adverse effect upon the health, safety, and performance of police officers, co-workers, and the public.
- B. The illicit use of drugs, on or off duty, by police officers impairs the efficiency of the department, undermines public confidence, and makes it more difficult for other police officers to perform their jobs effectively. It is the policy of the Department that all sworn employees remain drug free while on and off duty and submit to urinalysis tests.
- C. The Department prohibits the use of illegal or unauthorized use of any controlled drug or substance. Prohibited drugs shall include all dangerous, harmful, and detrimental substances, marijuana, hallucinogens, and prescription drugs not properly prescribed for medical use.

III. DEFINITIONS

OPERATING UNIT: Shall refer to: (1) Watches within the District in which the police officer works, (2) all other Division work units.

POLICE OFFICERS: All officers of the Maui Police Department.

PROBATIONARY POLICE OFFICERS: All officers of the Maui Police Department who are on initial probationary status.

REGULAR POLICE OFFICERS: All officers of the Maui Police Department who are not on initial probationary status.

TEST PERSONNEL:

- 1. Division Coordinator: District, Division, Element Commanders(s) or any other supervising officer of the Unit(s) selected.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

2. Program Administrator: Commander of the Plans, Training, Research, and Development Section.
3. Test Site Commander: Assigned officer of the Internal Affairs Section.
4. Specimen Control Officer: Assigned officer of the Plans, Training, Research, and Development Section.
5. Intake Point Officer: Assigned officer of the Plans, Training, Research, and Development Section.
6. Perimeter Security Officer: Assigned officer of the Plans, Training, Research, and Development Section.
7. Authorized Program Observers: Assigned staff officers and SHOPO Representatives.

TEST GROUPS

1. Mandatory Testing: All police officers not subject to required testing shall be subject to mandatory testing to ensure that all police officers are tested at least once every fiscal year. Police officers assigned to mandatory testing may be included with any other group. The requirement to undergo a mandatory drug test by a police officer is not precluded by a previous random drug test.
2. Random Testing: All police officers shall be subject to random tests, the random test groups are as follows:
 - a. Random Test Group 1 will include the Chief, Deputy Chief, Assistant Chiefs, and Captains (not including the Molokai Commander or Internal Affairs Captain.) The Division Coordinator is the Captain of Technical Services.
 - b. Random Test Group 2 will include Wailuku Patrol District and Lahaina Patrol District Community Police Officers, Visitor Oriented Police Officers, School Resource Officers, Communications Commander, Community Relations, and Alternative Call Servicing Officers. The Division Coordinator is the Commander of the Communications Sections.
 - c. Random Test Group 3 will include the Criminal Investigation Division (excluding personnel assigned to the Lahaina District) and the Juvenile Section. The designated Division Coordinator will be the Captain of the Criminal Investigation Division.
 - d. Random Test Group 4 will include Wailuku Patrol, Receiving Desk Sergeants and Receiving Desk Officers, and all traffic personnel working during the time period, which is commonly referred to as the "First" Watch (2230 to 0715). The designated Division Coordinator will be the Watch Commander on Duty. Excludes Community Police Officers, Visitor Oriented Police Officers, and School Resource Officers.
 - e. Random Test Group 5 will include Wailuku Patrol, Receiving Desk Sergeants and Receiving Desk Officers, and all traffic personnel working during the time period, which is commonly referred to as the "Second" Watch (0630 to 1515). The designated Division Coordinator will be the Watch Commander on Duty.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

Excludes Community Police Officers, Visitor Oriented Police Officers, and School Resource Officers.

- f. Random Test Group 6 will include Wailuku Patrol, Receiving Desk Sergeants and Receiving Desk Officers, and all traffic personnel working during the time period, which is commonly referred to as the "Third" Watch (1430 to 2315). The designated Division Coordinator will be the Watch Commander on Duty. Excludes Community Police Officers, Visitor Oriented Police Officers, and School Resource Officers.
 - g. Random Test Group 7 will include all on duty officers, the school resource officer and supervisors for Lanai. The designated Division Coordinator will be the District Commander.
 - h. Random Test Group 8 will include all on duty officers, the school resource Officer and supervisors for Hana. The designated Division Coordinator will be the District Commander.
 - i. Random Test Group 9 will include all on duty officers, the school resource officer, the community police officer and supervisors for Molokai. The designated Division Coordinator will be the District Commander.
 - j. Random Test Group 10 will include all on duty officers and supervisors for Lahaina District (excluding the Captain), the Criminal Investigation Division personnel assigned to the Lahaina District. The designated Division Coordinator will be the Lieutenant or highest-ranking police officer on duty.
 - k. Random Test Group 11 will include all on duty officers and supervisors for Kihei District. The designated Division Coordinator will be the District Commander.
3. Required Test Groups. These groups will be tested biannually at a minimum.
- a. Will include Probationary officers assigned to the Recruit Training Program (excluding the Field Training Officer program).
 - b. Will include the Vice Division.
 - c. Will include the Criminal Intelligence Unit, all members of the Special Response Team, Regular Police Officers who refuse to submit to a urinalysis test administered to the "Random Test Level" to which they are assigned, and regular police officers with a first confirmed positive test result. The designated Division Coordinator will be the commander of the Vice Division.
 - d. Will include the Commander and all sworn staff of the Internal Affairs Section, and the Plans, Training, Research, and Development Section.

IV. RESPONSIBILITIES

- A. The Program Administrator shall:
 1. Coordinate and oversee the operation of the Drug Urinalysis Screening Program to ensure that it is administered in a fair and equitable manner.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

2. Maintain a file of all reports and correspondence relating to the Drug Urinalysis Screening Program.
 - a. The records shall include documentation to ensure that all officers are tested.
 3. Promptly report to the Chief of Police any confirmed positive drug urinalysis test.
 4. Notify the appropriate element commander of any confirmed positive results.
 5. When termination has been recommended by the Administrative Review Board and approved by the Chief of Police, initiate pre-termination meeting procedures in accordance with Civil Service Rules.
- B. The Test Site Commander shall:
1. Ensure that all urinalysis drug-screening sites are monitored.
 2. Ensure that all elements comply with the Drug Urinalysis Screening Program.
 3. The restroom shall be periodically inspected by the Test Site Commander to ensure that the dye has been placed in the toilet and that the restroom is neat, clean, and free of any contraband.
 4. Upon being assigned by the Chief's Office, investigate personnel with confirmed positive urinalysis tests.
 5. Report to Program Administrator all refusals to submit a specimen or failure to appear for the urinalysis test.
 6. Review all investigative reports on police officers who have refused to submit a specimen or failed to report to the Administrative Review Board via the office of the Chief of Police.
- C. The Administrative Review Board shall:
1. Meet to review the investigative findings of the Test Site Commander.
 2. Make recommendations to the Chief of Police.
 3. If termination is warranted, refer the case to the Program Administrator for a pre-termination hearing.
- D. Element Commanders or their designee shall:
1. Ensure that all police officers under their command comply with the Drug Urinalysis Screening Program.
 - a. Provide a work schedule to the Coordinator.
 - b. Those police officers on annual vacation or Leave Without Pay are excused but shall be reported.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

2. Promptly report all instances of non-compliance to the Program Administrator and the Office of the Chief of Police.
 3. Initiate an investigation for violation of directives if a police officer refuses to take or appear for a urinalysis test and forward the completed report to the Office of the Chief of Police for a review.
 4. Upon notification of a confirmed positive test result:
 - a. Notify the police officer of their confirmed positive results.
 - b. Remove the police officer's service weapon and badge.
 - (1) The weapon and badge shall be delivered to the commander of the Plans, Training, Research, and Development section.
 - c. Assign the police officer to a position where a gun and badge are not essential pending completion of the investigation.
- E. The police officer shall:
1. Remain free from illegal drugs.
 2. Not use unauthorized prescription drugs or take medication in unauthorized doses.
 3. Submit to the Drug Urinalysis Screening Program as required. Any failure or refusal by a police officer to submit to drug testing or non-compliance with any of the drug testing will subject the police officer to disciplinary action, including termination in accordance with the Civil Service Rules.

V. TESTING PROCEDURES

- A. The Program Administrator shall:
1. Determine the test dates.
 2. Determine the order of testing for the random groups via the computerized random selection program.
 3. Within 48 hours of the test time, coordinate the urinalysis test with the Element Commander(s) and SHOPO Chapter Chair or designee.
 4. Notify the Test Site Commander to report to the group's work site at the designated time.
 5. Notify the drug-testing laboratory to conduct the specimen collection and drug urinalysis.
 6. Notify a union representative of the test. Union representatives may observe the on-site testing process.
 7. After the test group and test location have been selected, the Program Administrator shall notify all affected program personnel.

8. Personnel from the Plans, Training, Research and Development Section and the Internal Affairs Section shall report to the Clinical Laboratories of Hawaii office for testing. The Chief of Police may also elect to be tested at the Clinical Laboratories of Hawaii.
- B. The Test Site Commander shall:
1. Secure restrooms for the personnel in the test group.
 2. Monitor the specimen collection.
 3. Review completed reports on those police officers who refuse to submit a specimen or fail to appear for testing.
 - a. Forward the completed investigative reports to the Administrative Review Board via the Office of the Chief.
- C. Identification Badges.

All personnel participating in the program will be issued a color-coded badge. The specific color codes are identified as follows:

1. **YELLOW.** Personnel who are permitted to handle specimens. Yellow badges will be issued to:
 - a. Program Administrator - Commander of the Plans, Training, Research, and Development Section.
 - b. Test Site Commander - Internal Affairs.
 - c. Specimen Control Officer - Member of Plans, Training, Research, and Development Section.
 - d. Laboratory Technicians.
2. **RED.** Personnel who will be observing, coordinating or providing directions at the actual testing sites. Personnel who have been issued red badges will **NOT** handle specimens. Red badges will be issued to:
 - a. Perimeter Security Officer/Procedure Officer (Dual Responsibilities) - Member of the Plans, Training, Research, and Development Section when needed.
 - b. Intake Point Officer/Checkpoint Log Officer (Dual Responsibilities) - Member of the Plans, Training, Research, and Development Section.
 - c. Authorized Program Observers - Staff and SHOPO.
 - d. Division Coordinator(s) - District, Division, Element Commander(s) or any other supervisory officer as designated in Article III of this directive.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

3. **WHITE.** Testees will be issued white badges. Each white testee badge will be labeled with the appropriate control number. Testees will NOT be allowed to retain their badges after leaving the specimen collection restroom. If a testee is unable to void after being issued a white badge, the badge and the empty specimen container(s) shall be returned to the Intake Point/Checkpoint Log Officer before the Testee leaves the immediate area.
 4. **NOT MORE THAN THREE (3) TESTEES AT A TIME WILL BE ALLOWED IN THE TESTING AREA.** This precaution should:
 - a. Eliminate any confusion as to who is being tested.
 - b. Ensure the security of each sample as it is submitted.
 - c. Offer as much privacy as is reasonable to each Testee.
 - d. All division coordinators are to answer reasonable questions and afford proper attention to each testee, especially those who are having difficulty voiding.
- D. **Securing the Testing Area.**

The Test Site Commander shall be responsible for securing the test site area. This includes:

1. Checking all restroom facilities to verify that they are free of any contraband and Non-Program personnel.
 2. Depositing blue colored dye into each toilet that will be used by the first testee. Thereafter, the dye will be replenished as necessary by the Laboratory Technician.
 3. The Test Site Commander and the Program Administrator shall develop an equipment and supplies checklist for the testing program. This list shall include the following:
 - a. Stanchions and ribbons or ropes required to cordon-off the Test Site area.
 - b. Signs as needed.
 - c. Table(s) and chair(s) as deemed appropriate for testing at the various test locations.
 - d. Pens.
 - e. The duty roster(s) from the Division Coordinator(s) indicating which police officers are on-duty during the test period.
 - f. Necessary forms.
- (1) Drug Urinalysis Screening Program Procedures for Personnel Being Tested (MPD Form No. 735)

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

- (2) Drug Urinalysis Screening Program Official Badge Assignment/Control Log (MPD Form No. 730)
- (3) Division Coordinator Roster (MPS Form No. 731)
- (4) Urinalysis Test Control (MPD Form No. 734)
- (5) Drug Urinalysis Specimen Vial Control Form (MPD Form No. 732)
- (6) Maui Police Department Urine Specimen Chain of Custody Form "Batch A" (MPD Form No. 744)
- (7) Maui Police Department Urine Specimen Chain of Custody Form "Batch B" (MPD Form No. 745)

g. Other equipment and supplies as may be deemed necessary.

4. Cordoning-off the test site, posting signs at every possible entry/exit point which warn personnel not to enter the test site area, and ensuring compliance with the established boundaries.
 5. Once the test area is secured and all necessary equipment and supplies have been positioned, all Drug Testing Staff shall ensure that the boundaries of the area are **NOT COMPROMISED**. Under no circumstances shall unauthorized personnel be allowed into the secured test area.
- E. Sign-in of Division Coordinator and SHOPO Observer.
1. The Checkpoint Log Officer shall issue a red badge to the Division Coordinator(s) and authorized SHOPO Observer if there is one present.
 2. The Checkpoint Log Officer shall "walk through" the testing procedures with the Division Coordinator(s) and SHOPO Observer.
 3. The Division Coordinator(s) shall verify that the test area has been secured and that the restroom has been cleared of any and all contraband. The authorized SHOPO Observer shall be asked to verify the security of the restroom and perimeters as well.
 4. During the test period, the Division Coordinator(s) and the authorized SHOPO Observer shall not be permitted to pass beyond the Intake Point and Sign-In Table without first receiving permission from the Checkpoint Log Officer.
 5. The Division Coordinator(s) and authorized SHOPO Observer, while within the test site, shall be accompanied by the Checkpoint Log Officer at all times. Should this occur, the Intake Point and Sign-In Table shall be secured and testing shall be temporarily suspended.
 6. No new testees shall be permitted to sign-in until the Division Coordinator(s) and/or authorized SHOPO Observer have returned to the Intake Point and Sign-In table.
- F. Test Announcements.

1. The Division Coordinator shall:
 - a. Announce the beginning of the urinalysis test program to those affected.
 - b. Distribute the Testee Procedures Sheet to all police officers involved.
 - c. Announce that the first thirty (30) minutes will be set aside for the first three (3) volunteers. Thereafter, all police officers will be called to the Test Site from their respective duty stations.
 2. Before the police officers are dismissed by the Division Coordinator or allowed to report to the test site, the Specimen Control Officer, the Program Administrator, or the Division Coordinator shall:
 - a. Review the Testee Procedures Sheet with all police officers. This review shall highlight:
 - (1) Security procedures that will be in force and effect during the test period;
 - (2) If a Testee is unable to void, if the urine sample shows an unacceptable reading on the temperature strip, or if the temperature strip is removed or tampered with, the Testee will be allowed four (4) hours to render an acceptable specimen. The testee will remain within the immediate proximity of the test site to be determined by the Test Site Commander.
 - (3) The four (4) hour return time begins when the Testee signs-in with the Checkpoint Log Officer as documented on the Division Coordinator Roster, MPD Form no. 731.
 - b. Assure the Testees that every attempt has been made to insure privacy while maintaining the integrity of the samples submitted.
 - c. Instruct the Testees NOT TO FLUSH THE TOILETS BEFORE, DURING, OR AFTER the test unless instructed to do so.
 - d. Call for questions from the police officers
 3. The Test Site Coordinator shall then dismiss the police officers, and if there are three (3) initial volunteers, they shall report to the Test Site to render specimens. If they are not able to submit the required samples at that time, they shall remain within the immediate proximity of the Test Site to be determined by the Program Administrator and shall provide a specimen within the prescribed four (4) hour time limit.
 4. If there are less than three (3) volunteers, the Test Site Coordinator shall begin the process of calling individual police officers from their respective duty locations. As each police officer is "released" from the Test Site, another police officer shall be called from his or her specific duty location.
- G. Testing Procedure Rules.

1. Not more than three (3) Testees will be allowed in the area of the test site at any time.
 2. Only personnel wearing the appropriate colored badges will be allowed in the area of the test site.
 3. Once the test site area is secured. All personnel are to enter and exit through the Intake Point and Sign-In Security Point.
 4. Only program personnel wearing YELLOW badges are allowed to handle specimen cups.
 5. "Off-color" remarks or any indication of sexual harassment or non-professional behavior will not be tolerated.
 6. Unless specifically instructed otherwise by the Program Administrator or Test Site Commander, all program personnel shall remain at their assigned posts.
- H. Testing sequence.
1. When the Testee is called from his or her specific duty location, they shall report to the Test Site area and meet with the Division Coordinator.
 2. The Division Coordinator shall record the time at which the Testee reports to the Test Site.
 3. The Checkpoint Log Officer shall ask the police officer if he or she is able to void. If the police officer is not able to void at that time, the police officer shall be:
 - a. Informed that he or she has not more than four (4) hours to provide a specimen.
 - b. Directed to remain within the immediate proximity of the Test Site to be designated by the Program Administrator.
 4. The Checkpoint Log Officer shall do the following:
 - a. Ask the Testee to sign-in on the appropriate form.
 - b. Issue a WHITE badge, which has been pre-labeled with the control number, which corresponds with the pre-numbered space on the sign-in sheet.
 - (1) Instruct the testee to place this badge in a conspicuous manner on the police officer's clothing.
 - c. Ask the testees to verify that the control numbers on the WHITE badge and the sign-in sheet are identical.
 - d. Issue two (2) tags upon which will have the same control number as those on the WHITE badge and the pre-numbered space on the sign-in sheet.

- e. Ask the Testee to verify that the control numbers on the WHITE badge and the pre-numbered space on the sign-in sheet are identical.
 - f. Instruct the Testee to report to the Specimen Cup Table.
5. Not more than three (3) Testees at a time will be allowed beyond the Intake Point.
6. The Specimen Control Officer shall:
- a. Issue the Testee two (2), sealed specimen cup bags.
 - b. Instruct the Testee to remove the specimen cups from the sealed bags.
 - c. Ask the testee to sign for acceptance of the two (2) specimen cups on Specimen Vial Control Form MPD No. 732.
 - d. Have the Testee place his initials and date on the pre-printed tags of the Clinical Laboratories of Hawaii "Drug Testing Custody and Control Form (Non-Federal)."
 - e. Remind the Testee that 60cc of urine must be deposited into one cup. The laboratory technician will check for the proper temperature then the Testee will pour 30cc into the other cup.
 - f. Direct the Testee to report to the Laboratory Technician.
7. If there is a problem with affixing a specimen cup evidence tag to a specimen cup, or if either of the cups should be contaminated in any way, such as falling to the floor, the following procedure shall take place:
- a. The Test Site Commander will accompany the Testee back to the Intake Point Table.
 - b. The Test Site Commander shall inform the Checkpoint Log Officer that the previously issued specimen cup must be deleted from the inventory.
 - c. The Checkpoint Log Officer shall ask the testee to draw a line through the control numbers on the specimen cups and throw them away. The Testee shall then tear the issued white badge in half and throw it away.
 - d. The Checkpoint Log Officer shall have the testee sign out the voided specimen cups on Urinalysis Test Control Form MPD No. 724 and MPD Form No. 732.
 - e. The Checkpoint Log Officer shall ask the testee to sign for a new control number and repeat the process as outlined in Article V, Paragraph H, Sub-paragraph 4 through 6.
8. The Laboratory Technician shall:
- a. Accompany the testees into the restroom facility.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

- b. Instruct the testee to wash hands.
 - c. Instruct the testee not to flush the toilet before, during, or after the specimen collection process.
 - d. Again instruct the testee to deposit not less than 60cc of urine into one specimen cup. Check temperature strip to assure proper temperature. Pour 30cc of the fluid into the other specimen cup.
 - e. Insure that there is at least 30cc of urine in each of the two specimen cups.
 - f. Instruct the testee to wipe the outside of both specimen cups.
 - g. Visually inspect the temperature strip to verify a proper temperature reading of the urine sample and insure that the temperature strip was not removed or tampered with; once it has been determined that the urine samples are of the proper quantity and temperature.
 - h. Check the area of the toilet to insure that there are no contaminants or contraband.
 - i. If necessary, flush the toilet and replenish the blue colored dye.
 - j. Accompany the testee out of the restroom.
 - k. Instruct the testee to report to the Test Site Commander.
9. If an insufficient quantity of urine is collected, if the temperature strips displays a reading that is not within the acceptable range, or if the temperature strip has been removed or tampered with, the Laboratory Technician shall:
- a. Ask the testee to pour the previously collected urine specimen into the toilet and flush the toilet.
 - b. Ask the testee to rinse out and wipe each used cup dry.
 - c. Accompany the testee out of the restroom.
 - d. Inform the Test Site Commander that the testee was not able to render the proper amount of specimen, or that an unacceptable temperature reading of the specimen was obtained, or that the temperature strip was removed or tampered with.
 - e. The Test Site Commander shall accompany the testee back to the Intake Point table.
 - f. The Test Site Commander shall inform the Checkpoint Log Officer that the testee was not able to render the proper amount of specimen, or that an unacceptable temperature reading of the specimen was obtained, or that the temperature strip was removed or tampered with.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

- g. The Checkpoint Log Officer shall have the testee sign out the two cups on MPD Form No. 732 and note the reason the specimen was rejected in the "comments" section on the form.
 - h. The Checkpoint Log Officer shall inform the testee that he or she has four (4) hours, from the initial sign-in time, to render a valid specimen.
 - i. The Checkpoint Log Officer shall inform the Division Coordinator that the testee was not able to furnish the required urine specimen.
 - j. The Division Coordinator shall instruct the testee to remain within the secured area of the test site, the exact location to be designated by the Program Administrator.
 - k. The Division Coordinator shall note the discrepancy in the roster of attendance.
10. The Specimen Control Officer shall:
- a. Insure that all specimens are securely capped.
 - b. Insure that the testee initialed the tamper resistant tape.
 - c. Insure that the testee attached the tamper resistant tape to each specimen cup.
 - d. Insure that both specimen cups are sealed in one bag.
 - e. Instruct the testee to sign the specimen return form.
 - f. Insure that both specimens are taken from the testee.
 - g. Insure that the specimen bag is placed in the lab transport container.
 - h. Instruct the testee to return to the Checkpoint Log Officer where the Testee will destroy his white badge.
11. The Test Site Commander shall then dismiss the testee from the area to return to his prior assignment.

VI. CULMINATION OF TESTING

- A. During the testing period, the Specimen Control Officer will maintain custody of all specimen cups.
- B. At the end of the testing period, the Specimen Control Officer shall prepare the proper "Chain of custody" forms. The original is to accompany the specimens. The copy shall be retained by the Specimen Control Officer.

VII. POSITIVE TEST RESULTS

- A. In accordance with the State of Hawaii Organization of Police Officers collective bargaining agreement, the threshold levels of the following drugs shall be accepted as positive findings for the initial drug test:

<u>Marijuana metabolites</u>	<u>50 ng/ml</u>
<u>Cocaine metabolites</u>	<u>300 ng/ml</u>
<u>Phencyclidine</u>	<u>25 ng/ml</u>
<u>Opiate metabolites</u>	<u>2,000 ng/ml</u>
<u>Benzodiazepine</u>	<u>300 ng/ml</u>
<u>Amphetamines</u>	<u>1,000 ng/ml</u>
<u>Barbiturates</u>	<u>300 ng/ml</u>
<u>Methaqualone</u>	<u>300 ng/ml</u>
<u>Propoxyphene</u>	<u>300 ng/ml</u>
<u>Methadone</u>	<u>300 ng/ml</u>
<u>6-Acetylmorphine</u>	<u>10 ng/ml</u>

- B. The cut off levels for screening test and for confirmatory testing of urine specimens shall be as specified in Chapter 113 of the current Administrative Rules of the State of Hawaii Department of Health.

- C. The illegal or unauthorized usage of drugs by sworn personnel, whether on-duty or off-duty, is prohibited.

- D. Sworn personnel should be aware that they proceed at their own risk when using and/or ingesting untested over-the-counter products as such use may result in a failed drug test.

For example, due to a lack of U.S. Food and Drug Administration testing and approval, there is no oversight to the manufacturing of Cannabidiol (CBD) products, thus making it impossible for consumers to know the true source or content of the product. The end result is that in some cases, these products are not CBD at all, and in others, the CBD product actually meets the statutory definition of marijuana due to the Tetrahydrocannabinol content, which may be detected in a drug test.

- E. A confirmed positive drug result shall result in disciplinary action, including termination.

VIII. DRUG TREATMENT

- A. The disciplinary action shall be held in abeyance and not imposed if the regular police officer, after evaluation, participates in and satisfactorily completes a Maui Police Department approved treatment program whose cost shall be at the expense and responsibility of the regular police officer.
- B. Any regular police officer with a first confirmed positive test result shall not be allowed limited or modified duty while undergoing treatment. Such employee shall be placed on leave status until;
1. A negative drug urinalysis test, AND
 2. Clearance by a Maui Police Department approved physician to return to full duty.

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

- C. Upon return to full duty, a regular police officer shall be placed in a required test group as outlined in Article III, Paragraph C, Sub-paragraph 4 of this directive.
- D. On a second confirmed positive drug test result, a regular police officer is subject to termination.
- E. On a first confirmed positive drug test result, an initial probationary police officer is subject to termination.
- F. Police Officers shall be given the option to resign prior to any termination action.
- G. Confirmed positive test results shall be handled in a confidential manner. No words on the written notifications shall reflect anything about failing a drug urinalysis or "positive for marijuana/cocaine/drugs." Only violations of cited rules, regulations or orders shall be in print. The notices shall be hand-carried through the chain-of-command and given to the police officer or mailed by registered mail.
- H. Any refusal by a police officer to submit to drug testing or non-compliance may subject the police officer to disciplinary action, including termination and the police officer may be placed on leave pending investigation in accordance with the Civil Service Rules.

IX. VOLUNTARY ADMISSION

- A. Whenever a regular police officer voluntarily admits to having a problem with drug use, participation in a Maui Police Department approved treatment program shall be mandatory. Should the regular police officer subsequently test positive after admitting to having a drug problem, such positive result shall be considered a first confirmed positive drug test result.
 - 1. The officer must satisfactorily complete such treatment program within 18 weeks from the date the officer first enters the treatment program. During this 18-week period, an officer who has voluntarily admitted to having a drug problem and who is in compliance with treatment requirements may be given a modified or limited-duty position where gun and badge are not essential, provided that available work exists, the officer obtains a negative drug urinalysis test, and is cleared for limited duty by the treatment facility and /or the Employer's physician.
 - 2. Any officer who fails to complete the treatment program within the 18-week period due to non-compliance with treatment requirements shall be placed on leave status and shall no longer be eligible for a limited-duty assignment. Such employee shall not be returned to full duty until the employee obtains a negative drug urinalysis test and is cleared by the Employer's physician. Any positive test result after the 18-week period shall be considered a first confirmed positive result.
 - 3. The modified duty may exceed 18 weeks from the date the officer first enters the treatment program only if the employee is fully compliant with all treatment requirements and is unable to complete the treatment program due to circumstances beyond the employee's control. The employee on modified duty may be subject to regular and frequent drug tests for the duration of such modified duty. The officer shall not be returned to full duty until the officer obtains a negative drug urinalysis test and is cleared by the Employer's physician. Upon

DRUG URINALYSIS SCREENING PROGRAM FOR POLICE OFFICERS

return to full duty, the police officer shall be placed in a required test group for a period of one year.

- B. Whenever a regular police officer admits to having a drug problem after being notified of a scheduled drug test, such admission shall be considered a positive drug test result.

X. RECORD KEEPING

- A. All reports shall be forwarded to the Program Administrator, who will maintain a file of all drug tests for a minimum of four years.



TIVOLI S. FAAUMU
Chief of Police