

NEW HAVEN DEPARTMENT OF POLICE SERVICE

GENERAL ORDERS



GENERAL ORDER 2.05

EFFECTIVE DATE: March 8th, 2022

ALCOHOL AND DRUG USE POLICY

2.05.01 PURPOSE

The purpose of this General Order is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any City employee or member of the public. It is also to ensure compliance with Public Act No. 20-01, Section 3 (Section 7-294d) Subsection 10 for police officer recertification purposes. The New Haven Department of Police Service discourages alcohol and drug abuse and strives to achieve a work force free from the influence of drugs and alcohol. (*Refer to City of New Haven Administrative Policy – Drug-free Workplace Policy*, a copy of which is attached hereto in Appendix 1, and to the applicable sections of the current Collective Bargaining Agreement). Therefore, it is the policy of the New Haven Department of Police Service that the illegal use of drugs or misuse of alcohol is strictly prohibited.

2.05.02 GENERAL GUIDELINES

Employees of the Department shall not consume alcohol and/or intoxicants in any manner while on-duty or in uniform. When off-duty, employees of the Department shall not drink intoxicating beverages to an extent that it will render one unfit when reporting to duty. Employees of the Department are strictly prohibited from using any narcotics, exhilarants, hypnotics, hallucinogens, anabolic steroids, toxic drugs or controlled substances that are unlawfully administered.

2.05.03 DEFINITIONS

ALCOHOL OR ALCOHOLIC BEVERAGES: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl and isopropyl alcohol.

BREATH ALCOHOL TECHNICIAN (BAT): The Collection Site representative who will instruct and assist the employee in the alcohol testing process and operates the evidential breath-testing device.

CONFIRMATION TEST: In drug testing, a second analytical procedure to identify, the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to insure reliability and accuracy. In alcohol testing, a test done after the screening test is required when the BAC is over 0.02.

CONTROLLED SUBSTANCES: Any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6)), the possession of which is unlawful under Chapter 13 of that title, or any drug included within the definition of "Controlled substance" in Title 21A, Chapter 420B of the Connecticut General Statutes (for example, including, but not limited to: cocaine, marijuana, barbiturates, amphetamines, morphine.) The term does not include the use of prescribed drugs which have been legally obtained and are being used for the purpose for which they were prescribed.

DRUG: Any substance (other than alcohol) capable of altering the mood, perception, pain level or judgment of the individual consuming it.

EMPLOYEE ASSISTANCE PROGRAM: The Employee Assistance Program is provided by the City of New Haven or any agency/entity with whom the City has contracted to provide said program.

EVIDENTIAL BREATH TEST DEVICE (EBT): An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath.

ILLEGAL DRUG: Any drug or controlled substance, the sale possession or consumption of which is illegal.

MEDICAL REVIEW OFFICER (MRO): A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information. If an employee's test result is positive, the MRO will contact the employee to discuss the test to determine if the positive result is valid and to notify the employee that he has seventy-two (72) hours to request a test of the split specimen.

PRESCRIBED DRUG: Any substance prescribed for the individual consuming it by a licensed medical practitioner.

RANKING SUPERVISOR: Any officer with the rank of Sergeant or above who is the employee's immediate supervisor in the chain of command, or the Chief of Police or his designee.

REASONABLE SUSPICION OF DRUG AND/OR ALCOHOL USE: The reasonable suspicion standard for drug testing of sworn personnel is based upon a specific objective fact(s) and reasonable inferences drawn from that fact(s) in light of experience that the individual may be involved in the use of any illegally-used drug, controlled substance, or alcohol.

RECERTIFICATION TESTING: To renew the certification of police officers who have satisfactorily completed review training programs, officers must submit to a urinalysis drug test that screens for control substances, including, but not limited to, anabolic steroids, the results of which indicated no presence of any controlled substance not prescribed for that officer. Any required correspondence with P.O.S.T.C. on recertification drug testing will be the responsibility of the Police Training Academy Commander and/or training academy staff under the direction of the Commander of Training.

REFUSAL TO SUBMIT TO DRUG AND ALCOHOL TESTING: The refusal by an officer to submit to a drug or alcohol screening test based on General Order 2.05 "Alcohol and Drug Use Policy" and General Order 1.03 "Rules of Conduct" shall constitute insubordination and shall subject the employee to subsequent disciplinary action.

UNION PRESIDENT: President of New Haven Police Union Elm City Local, CACP or his designee.

2.05.04 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances/illegal drugs on City property, at work, or while on-duty except in the performance of a special assignment and with the approval of a ranking supervisor in writing. Department employees shall not illegally manufacture any alcohol or illegal drugs while on-duty, on City property, or at any other time.

2.05.05 USE OF PRESCRIBED MEDICATIONS

- No prescription drug shall be brought upon Police Department premises by any employee other than the employee (or members of the employee's immediate family) for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed.

- This Section shall not apply to prescription drugs which are brought into the Police Department by an officer(s) in the official performance of his/her duties for drugs which are logged as evidence in a timely manner.
- The use of any legally prescribed drugs while on-duty is prohibited unless the use is pursuant to the instructions of a physician who has advised the officer that the substance will not adversely affect his/her work performance. The use of any legally prescribed drugs that may impair the officers' work performance or may affect workplace safety shall be reported immediately to the Department of Disability Services. The officers' immediate supervisor shall only be notified when the Department of Disability Services is not available for any reason.

2.05.06 ILLEGAL DRUGS

- The illegal use of controlled substances, including Anabolic Steroids, at any time is strictly prohibited.
- The use or possession of an illegal drug or controlled substance by an employee, on or off duty, is cause for suspension or termination, and/or referral for criminal prosecution.
- The sale, trade or delivery of illegal drugs or controlled substances by an employee, on or off duty, to another person is cause for suspension or termination, and/or referral for criminal prosecution.
- Special consideration shall be given to officers who have been assigned undercover work and may have developed an addiction through such service. In such case, referral to a rehabilitation program shall be required for the first offense.
- This Section shall not apply to illegal drugs or controlled substances which are brought into the Police Department by an officer(s) in the official performance of his/her duties for drugs which are logged in as evidence in a timely manner.

2.05.07 EMPLOYEES SUBJECT TO TESTING & TYPES OF DRUGS TESTED FOR

All sworn officers of the New Haven Department of Police Service shall be subject to the alcohol and drug testing procedures detailed within the current collective bargaining agreement and within this policy. Drug testing will be administered to test for the presence following substances:

1. Marijuana (Carboxy – THC)
2. Cocaine (Benzoylecgonine)
3. Amphetamine/Methamphetamine
4. Anabolic Steroids

5. Opiates (Codeine/Morphine/Heroin)
6. Phencyclidine (PCP)

Note: The Chief or his/her designee may order testing for Hallucinogens or Steroids, whenever appropriate. This list is subject to change based on POST mandates.

2.05.08 RANDOM TESTING

- Employees performing safety-sensitive functions will be tested for controlled substances at a minimum annual rate of fifty percent (50%) of the average number of positions.
- Random selection shall be performed independently by the City's third-party program administrator utilizing a computer based scientifically valid method of selection. The selection process shall give each employee an equal chance of being selected each time a selection is made.
- The City shall conduct a minimum of four (4) selections annually, spread reasonably throughout the calendar year.
- Each employee upon notification of selection for controlled substances testing shall proceed immediately to the designated testing site, barring extenuating circumstances.
- All confirmed positive test results are confidential, unless required for disciplinary action, and shall be placed in the employee's medical file.

2.05.09 DRUG TESTING PROCEDURES

- All drug testing procedures will be done from urine specimens collected under highly controlled conditions of the contracted health care provider. Any bargaining unit member normally assigned to D Squad may be tested during his/her regular working hours on site at the New Haven Department of Police Service. Personnel of St. Raphael's Occupational Health will administer the test and adhere to all protocols associated with the random drug testing program, except for the change of location. The person collecting the urine sample will be the same gender as the employee submitting the sample. The collection site will be secured to prevent any tampering or switching of samples. The City reserves the right to change and/or add providers.
- Any D Squad bargaining unit employee may undergo random drug testing on any date during the fiscal quarter in which his/her name appears on a monthly generated random list.

- When the employee has submitted a specimen, the collection person will determine whether there is a sufficient amount of urine for testing. If there is not enough, the employee may be asked to drink fluids and wait until the employee is able to provide a sufficient amount of urine to test. The urine collected from each employee will be divided into two different sample containers. This is known as a split-specimen collection. The person collecting the specimen will divide the specimen into the two containers in the presence of the employee and will label both accordingly. The employee must ensure that the split samples are both accurately marked with the correct identification.
- The primary sample is then tested for the presence of drugs, while the second or “split” sample is stored in a secured, refrigerated location. The initial test is the immunoassay test, which screens the sample for usage of the classes of drugs indicated in the below table. The second test is a confirmation test. The labs that perform the tests must be certified by the Federal Department of Health & Human Services.
- If the results of the initial test are negative, the testing laboratory will so advise the Medical Review Officer (MRO). The MRO is a licensed physician not employed by the testing laboratory who interprets the drug test results. The MRO’s role includes making determinations that other factors besides drugs may be affecting a particular test result, and the MRO may conduct sessions with individual employees to learn more about their medical histories and other factors which might influence a test result.
- If the results of the initial test exceed the test levels for any of the tested for drug classes described in this policy, a second (confirmation) test is performed. This test is done differently by using gas chromatography/mass spectrometry techniques. Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis.
- If the test result of the primary specimen is positive, you may request the Medical Review Officer to send the second (or split) specimen to a different certified lab for testing. The testing of the split specimen will be for the presence of drugs with the same criteria for the primary specimen being applicable. If the result of the test of the split specimen is “negative”, the MRO shall cancel the test. If an employee wants the split specimen tested, he or she must advise the MRO within seventy-two (72) hours of being notified of the positive test result of the primary specimen.
- The City will keep a record in the employee’s file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

2.05.10 REASONABLE SUSPICION DRUG/ALCOHOL TESTING

A. When a "reasonable suspicion" is determined, indicating that an employee is using illegal drugs/controlled substances, anabolic steroids, and/or alcohol, that employee will be tested pursuant to the procedures set forth in this policy. If a supervisor has "reasonable suspicion" that an employee is under the influence of alcohol and/or illegal drugs/controlled substances, they shall immediately inform the employee of this preliminary determination and relieve said employee from duty with pay in order to protect said employee, fellow employees and the public from harm. Whenever possible two supervisors should make the observation that leads to reasonable suspicion.

B. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to, the following:

1. Direct observation of drug and/or alcohol use;
2. The employee's body shows evidence of drug use (e.g. track marks);
3. The employee is found to be in possession of any illegal drugs/controlled substances or alcohol on duty and outside their official capacity;
4. An unauthorized pattern of sick time usage;
5. Information which is provided by a reliable and credible source documented to the Chief of Police;
6. The presence of signs of drug or alcohol use (e.g. odor of alcoholic beverage, glassy or blood shot eyes, slurred speech, poor coordination and/or reflexes, etc.)

Any observation for controlled substances/drugs and/or alcohol, reasonable suspicion testing must be reported immediately to a commanding officer.

C. Any employee who has a reasonable suspicion that his/her supervisor may be under the influence of illegal drugs/controlled substances, anabolic steroids and/or alcohol shall report such suspicion to the next supervisor in the chain of command, and if not available, to the highest-ranking supervisor on duty. Reports relative to the Chief of Police shall be made to the Board of Police Commissioners.

D. An employee or Supervisor who has a reasonable suspicion under this Policy shall report the basis for his/her reasonable suspicion to the Chief of Police, Captain, or the Lieutenant. The Chief, Captain or Lieutenant shall decide whether to direct the employee to testing. A memorandum detailing in writing the specific facts, signs or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of the employee shall be prepared by the reporting supervisor and the Chief, Captain or Lieutenant at the time of referral for testing.

E. Immediately upon being relieved of duty, the employee shall be ordered to submit to the Standardized Field Sobriety Tests and provide a breath or urine sample for analysis. Should the employee refuse, said refusal shall be documented and no further effort made at obtaining either sample.

F. Refusal on the part of the employee to cooperate fully with the content of this Order shall constitute insubordination, with the employee subject to disciplinary action. The following actions may constitute a refusal to take a drug or alcohol test:

1. Blatant refusal to submit to the testing procedure or engaging in any conduct that clearly obstructs the testing process; including being unavailable for testing;
2. Failure to provide an adequate amount of breath for an alcohol breath test without a valid medical reason;
3. Failure to sign the alcohol testing form;
4. Failure to submit to a confirmation test for alcohol after a positive result;
5. Failure to endorse items to verify chain of custody for any specimen;
6. Failure to provide sufficient amount of urine for a drug test without a valid medical reason;
7. Failure to provide necessary identification before submitting to test;
8. Failure to remain available for such testing.

G. During normal business hours, specimen samples shall be collected at Yale New Haven Hospital/St. Raphael's Campus Occupational Health. Outside of normal business hours, the specimen will be collected in the presence of a Supervisor, in a private location, affording the employee proper dignity. If a sample is required from a female employee; a female Supervisor will be present.

H. Specimen samples obtained outside of normal business hours shall be sealed and placed into the refrigerator in the Property Room Annex to be brought to Yale New Haven Hospital/St. Raphael's Campus Occupational Health by the Officer in Charge of Internal Affairs.

I. It shall be the obligation of the Department to arrange transportation for the employee to either the employee's home or a medical facility. In no event shall the employee be permitted to operate a motor vehicle or leave headquarters unassisted.

J. At any time during the course of the inquiry, the employee shall enjoy the right to notify his/her union and have a representative present. Testing shall not await the arrival of a union official, and the status of said union official shall be only as an observer.

2.05.11 ALCOHOL TESTING PROCEDURES

A. Alcohol testing is done by testing breath, using a device called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument that determines the concentration of alcohol in the bloodstream by analyzing a specific amount of exhaled breath. The test result is a number representing the blood alcohol concentration (BAC), which is expressed in grams of alcohol per 210 liters of breath. The EBT prints outnumbered copies of the test results. A BAC in excess of the statutory limit shall constitute a violation of this policy.

B. Supervisors who have been trained and certified as breath alcohol technicians (BAT) will conduct the tests, check the EBT prior to testing to ensure its accuracy, and conduct the tests. Testing should be conducted in an area that allows the employees as much privacy as is feasible. The tester will remain present at all times during the testing procedure.

C. First, in the employee's presence the BAT makes sure that the EBT is responding accurately. Then, a sealed mouthpiece is opened and placed into the device. The employee is required to blow into the mouthpiece for at least six seconds or until the EBT indicates that it has obtained a sufficient amount of air to test. The EBT will then print the test results, with a copy given to the employee.

D. Two breath tests will be required to determine if a person has a prohibited alcohol concentration. If the first test result is less than .02, the test will be considered negative. If the test shows an alcohol concentration of .02 or greater, a second confirmation test must be conducted. The second test result will determine what action if any need be taken. If the employee is unable to provide a sufficient amount of breath, the employee will be referred to a mutually agreed upon physician to assess the employee's inability to provide an adequate breath sample.

E. In order to ensure that an EBT is working properly, the BAT will follow the normal procedures used in DUI testing procedures.

2.05.12 RECERTIFICATION TESTING

- Officers scheduled for POSTC triennial officer recertification must submit to a urinalysis drug test that screens for controlled substances, including, but not limited to, Anabolic Steroids in accordance with House Bill 6004 "An Act Concerning Police Accountability," Public Act No. 20-01, Section 3 (Section 7-294d) Subsection 10.
- As part of the officer recertification process, New Haven Police training academy staff, with the assistance of the Commander of Training, shall schedule officers for the required drug testing. Such testing shall occur no sooner than 90 days prior to the recertification date. Accordingly, any officer scheduled for recertification in a given year shall expect to be ordered to submit to a urinalysis screening starting on April 1st of that year, beginning with those police officers who have a certification expiration date of 6/30/21 of that respective year. Every certification period thereafter, all Police Officers as defined in CGS Sec. 7-294a(9) shall meet the recertification requirements established in Public Act 20 – 1 and maintain documentation as proof of successful fulfillment of these requirements.
- The results of the drug test shall be provided to the Chief of Police.

- The results of the drug test shall be noted on the POSTC Form 50CS. This form will be retained in the officer's training file and provided to POST upon request.
- Reasonable efforts shall be made to ensure random drug testing is not scheduled at the same general timeframe as recertification testing.
- If any officer tests positive for the use of a controlled substance (including steroids) or alcohol, they must be retested and provide a negative sample prior to June, 30th of that same year. If the officer provides a second positive drug test, he/she may then be subject to loss/forfeiture of certification by POST in accordance with HB 6004, as well as the consequences outlined in section 2.05.18 of this policy. Any officer who tests positive for the use of a controlled substance (including steroids) or alcohol, but then provides a second negative test prior to June, 30th of their respective recertification test year may still be subject to the consequences outlined in section 2.05.18 of this policy. However, this does not preclude the officer from receiving EAP services (mandated by the Chief of Police or voluntary) for providing the initial, positive sample.

Recertification testing will test for the following substances:

1. Marijuana (Carboxy – THC)
2. Cocaine (Benzoylecgonine)
3. Amphetamine/Methamphetamine
4. Anabolic Steroids
5. Opiates (Codeine/Morphine/Heroin)
6. Phencyclidine (PCP)

Note: The New Haven Department of Police Service is not required to test for ALL controlled substances on this list and the list may change over time as determined by Health Department guidance, POSTC and/or the Chief of Police.

2.05.13 RETURN TO DUTY TESTING

- If an employee has engaged in prohibited conduct regarding alcohol and/or ill drug misuse, the employee must undergo a return to duty test prior to returning to the job. The test must indicate a breath alcohol concentration of less than the recognized legal limit or a verified negative result for drug use. When an employee engages in prohibited conduct, the City must advise the employee of the resources available to evaluate and resolve drug and/or alcohol problems through the EAP program. In addition, each employee who engages in prohibited conduct must be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, the employee needs in resolving drug and/or alcohol problems.
- On a first offense for a positive alcohol test, if the SAP determines that the employee requires assistance in handling an alcohol problem, the employee

must properly follow the prescribed rehabilitation program. If the rehabilitation program requires time off, said time off will be granted with or without pay for up to sixteen weeks without a loss of seniority or benefit eligibility. During the period of rehabilitation, the employee may elect to use any accrued vacation or sick time. Any paid time off (vacation or sick time) used in accordance with this provision shall be subtracted from the sixteen-week entitlement referred to herein.

- On a first offense for a positive drug test, if the SAP determines that the employee requires assistance in handling a drug problem, the employee must properly follow the prescribed rehabilitation program. If the rehabilitation program requires time off, said time off will be granted with or without pay for up to sixteen weeks without a loss of seniority or benefit eligibility. During the period of rehabilitation, the employee may elect to use any accrued vacation or sick time. Any paid time off (vacation or sick time) used in accordance with this provision shall be subtracted from the sixteen-week entitlement referred to herein. The remaining period of treatment shall be considered an unpaid leave of absence for a maximum of fifty (50) days without a loss of seniority or benefit eligibility.
- When an employee has properly followed the prescribed rehabilitation, the employee must then be reevaluated by the substance abuse professional. If the SAP determines that the employee has properly followed the rehabilitation program, then the employee must undergo a return to duty test with a negative result as prescribed herein before being allowed to return to the performance of his job. Failure to comply with the defined rehabilitation program and/or failure to pass a return to duty test may be considered grounds for further discipline.

THE FOLLOWING TABLE REFLECTS THE CUT OFF LEVELS THAT WILL INDICATE A POSITIVE ON A DRUG SCREENING TEST:

*ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.

<u>Drug/Metabolite</u>	<u>Initial Test/Screen Levels (ng/ml)*</u>	<u>Confirmation Test Levels (ng/ml)*</u>
<u>Amphetamines</u>		
Amphetamine	1,000	500
Methamphetamine	1,000	500
<u>Cocaine</u>		
Benzoyllecgonine	300	150
<u>Opiates</u>		
Codeine	2000	2000
Morphine	2000	2000
Phencyclidine	25	25
<u>Marijuana</u>		

Carboxy - THC

50

15

Targeted Anabolic**Steroids:**

Boldenone

Methandienone

Methyltestosterone

Nandrolone (19-

Nortestosterone)

Oxandrolone

Oxymetholone

Stanozolol

T/E Ratio Interpretation:

Testosterone

Epitestosterone

This list is subject to change and should only be referred to as guidance. Additional tests and/substances may be tested and analyzed under this policy and the list may change over time as determined by Health Department guidance, POSTC and/or the Chief of Police.

2.05.14 STEROID TESTING CONSIDERATIONS

- Testosterone occurs naturally in the body and will be found in all urine specimens (men, women, transgendered persons). Due to the presence of testosterone in all urine samples, testing agencies cannot submit a result indicating “no presences” of an anabolic steroid.
- To determine improper/illegal use of anabolic steroids, technicians/scientists will review the ratio of testosterone to epitestosterone (T/E). A urine specimen will constitute as a positive test result when the Testosterone/Epitestosterone (T/E) ratio result is > 6.0 .
- Analysis for anabolic steroids is performed by GC/MS. GC/MS means gas chromatography/mass spectrometry. Any positive or abnormal results are confirmed by GC/MS or HPLC/MS/MS. HPLC/MS/MS means high performance liquid chromatograph/mass spectrometer.
- On a rare occasion, an officer may have a natural elevation that exceeds the 6.0 ratio requiring further testing such as Carbon Isotopic Ratio or sequential testing. This will be determined by the Medical Review Officer.

2.05.15 VOLUNTARY DISCLOSURE AND EMPLOYEE ASSISTANCE

1. An employee who has completed his or her initial probationary period with the City and has engaged in substance abuse and voluntarily discloses this issue to the Chief of Police and requests treatment and rehabilitative assistance shall be given assistance under the City's Employee Assistance Program. Access of this type shall be limited to two occasions. An employee referred to the program shall not be disciplined for the substance abuse disclosed. However, failure to comply with the terms of this program shall subject the employee to discipline.
2. In addition, an employee who has completed the initial probationary period and voluntarily admits there is cause for reasonable suspicion detailed within this Policy shall be entitled to one opportunity to enroll in the Employee Assistance Program of the City and avoid discipline, provided that he or she has not already engaged in that program twice prior, and provided further that the employee has not previously failed to comply with the requirements of that program during a prior enrollment.
3. Any employee who returns to employment following completion of a program under the Employee Assistance Program shall be subject to follow-up testing as determined by the EAP provider.

2.05.16 GENERAL PRECAUTIONS AND PROHIBITED CONDUCT

- Police Officers should be aware of over-the-counter performance enhancing supplements found in local stores. Most of these supplements are not FDA controlled and may contain produces that will test positive for anabolic steroids. Warning labels may or may not indicate a positive test result for anabolic steroids on the packaged material. If unsure, officers should not use such products.
- Officers should not use foreign products or products sold over the internet.
- Officer should be aware of hemp and/or CBD oils/produces sold over the counter in local stores and/or over the internet; these types of products may test positive for THC.
- It is the responsibility of the individual officer to know what products they use, ingest, or take for maintaining health and fitness. It is recommended that all officers consult with a physical or medical provider before taking over-the-counter supplements/products as they may contain substances that can test positive on a drug screening.
- The use of a masking agent designed to conceal the use of illegal drugs and/or alcohol to be tested is strictly prohibited. The use of such an agent will be deemed a confirmed positive test.

- A blood alcohol level of .02 or greater is prohibited while performing any Police Function, unless otherwise authorized under Department Regulations.

2.05.17 CANNABIDIOL (CBD)

- The plant *Cannabis sativa* has two primary species, hemp, and marijuana. Both contain CBD, but there's a much higher percentage in hemp, which also has very low (less than 0.3%) levels of THC compared to marijuana.
- Tetrahydrocannabinol (THC) and cannabidiol (CBD) are the two primary cannabinoids that occur naturally in the *Cannabis sativa* plant, most commonly known as cannabis. CBD has the same chemical formula as THC, with the atoms in a different arrangement. This slight variance causes THC to create a psychoactive effect, while CBD does not.
- The 2018 U.S. Farm Bill included a provision that legalized the cultivation of hemp (cannabis with less than 0.3 percent THC) in large part because of the popularity and driving economic force of CBD. Because of this, and CBD's non-psychoactive trait, CBD appears more frequently than THC in dietary and natural supplements, and can frequently be found as an ingredient in lotions, creams and salves that are available for purchase over the counter at various stores including Walgreen's and CVS. Because of its over-the-counter accessibility, many people do not realize that CBD is still classified by the U.S. Drug Enforcement Administration (DEA) as a Schedule I illegal narcotic.
- In light of the easy access and non-psychoactive properties of CBD, the New Haven Department of Police Service does not view the use or possession of over-the-counter products containing CBD as constituting the illegal use or possession of marijuana.
- However, officers must be cautious as to the substances ingest or use as CBD products are not regulated and may result in a positive urinalysis test.

2.05.18 CONSEQUENCES OF A POSITIVE TEST

Any employee who has tested positive for the use of a controlled substance (including steroids) or alcohol during any of the above listed drug testing procedures, including but not limited to, a random drug test, a recertification test, a reasonable suspicion drug/alcohol test or return to duty test, in violation of this policy will immediately be subjected to the following discipline:

1. The first offense shall result in an immediate two (2) day suspension without pay.
2. Second offense shall result in an immediate five (5) day suspension without pay.
3. Third offenses shall result in immediate termination.

It is the policy of the City of New Haven to encourage the rehabilitation of its employees with alcohol and/or substance abuse problems. Therefore, the Employee Assistance (EAP) Program is available to provide rehabilitative counseling and treatment to employees with alcohol and/or substance abuse problems. Any counseling or treatment received through EAP is confidential and will not be reported to the City. However, should an employee disclose to a member of the Police Department that he/she is engaging in the illegal use of a controlled substance or abuse of a prescribed medication, that disclosure must be reported to a commanding officer, and up the chain of command to the Chief of Police, and will subject the employee to discipline, up to and including termination.

2.05.19 COLLECTIVE BARGAINING AGREEMENT

- If any section of this General Order conflicts with the current Collective Bargaining Agreement, the language of the current CBA will control.

NOTIFICATION

Notification shall proceed via the normal chain of command, and in any event shall include the Shift Commander and the employee's unit Commander.

DOCUMENTATION

A memorandum outlining the Supervisor's actions will be filed by the Supervisor before the end of his/her tour of duty.

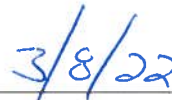
This supersedes General Order 2.05 issued on December 23rd, 2015.

History: General Order 87-1 issued on February 5th, 1987.

This general order was approved by the civilian Board of Police Commissioners on Tuesday, March 8th, 2022.



Renee Dominguez
Interim Chief of Police



Date