

## **Use of Intoxicants or Drugs by Sworn Department Members**

### **2.03.01 PURPOSE**

The San Francisco Police Department stands for Safety with Respect for all. It is the San Francisco Police Department's policy to maintain the highest level of professional conduct and to ensure that members of the San Francisco Police Department are performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Police officers hold a position of trust with the public. Therefore, it is essential that officers be in complete mental and physical control while performing their duties. Being under the influence of drugs and consuming drugs as defined in this policy while on duty will not be tolerated.

This order outlines Department policy and procedures regarding the use of intoxicants, illegal drugs or narcotics by members, including definitions, testing and investigative procedures. The San Francisco Police Department strives to achieve a safe and healthy workforce and a workplace free from the influence of drugs.

### **2.03.02 DEFINITIONS**

- A. Drug** – illegal drugs, prescription drugs or any other substance which could impair a member's ability to safely and effectively perform the functions of the particular job.
- B. Impairment** - Consumption of an intoxicant, drug, medicine or other substance that results in the member's mental and/or physical state of being altered in a way that may diminish their ability to safely and effectively perform the duties of a sworn officer.
- C. Influence** – Ingestion, use, or presence of drugs in the body system.
- D. Member** - Any sworn officer of the San Francisco Police Department.
- E. On Duty** - A member is considered on duty during any scheduled paid work hours including details to events, conferences, seminars, meetings, training, while on "standby" pay status and during any voluntary or mandatory overtime assignments.
- F. Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a supervisor to suspect that a member is under the influence of drugs or alcohol, such that the member's ability to perform the functions of the job safely and effectively is impaired or reduced.
  - 1. Examples of situations in which there may be reasonable suspicion include but are not limited to:
    - a. A pattern of documented abnormal or erratic behavior;

- b. The direct observation of drug or alcohol use while on duty; or a report by a reliable and credible source that a member has engaged in drug or alcohol use while on duty, the identity of which source shall be available to the member and the Union, unless the source is a victim who is eligible for confidentiality. (See Gov § 6254).
- c. Symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, etc.); or
- d. A work-related incident in conjunction with other facts which together support reasonable cause.

### **2.03.03 POLICY**

- A. Members shall not use any drug while on duty as defined in this policy.
- B. Members shall not be under the influence of any drug while on duty.
- C. Members shall not store or bring into any Department vehicle or facility controlled substances, except in the performance of police duties.
- D. Members shall notify a supervisor immediately if they observe behavior or have reasonable suspicion that any member in the workplace is illegally possessing or using drugs, under the influence of any drug as defined in this policy, such that the member's ability to perform the functions of the job safely and effectively is impaired or reduced.
- E. Any prescription drug that could cause impairment to perform essential job functions shall be reported to Medical Liaison.

### **2.03.04 PROCEDURES**

- A. **Reporting and Investigative Responsibilities** - The commanding officer of the member's unit, or if not immediately available, the senior ranking supervisor on duty at the time of the report of a member under the influence of an intoxicant or illegal drug use shall be responsible for directing the preliminary investigation. If the member to be investigated was detailed or loaned to another unit, the commanding officer, or the senior-ranking supervisor on duty at that unit shall be responsible for directing the preliminary investigation.

Supervisors shall comply with DGO 2.08 regarding Peace Officers' Rights in Disciplinary Investigations.

- B. **Drug Tests** – When reasonable suspicion exists that a member is under the influence of drugs, the member shall immediately submit to testing when ordered by a supervisor.
- C. **Investigative Duties and Responsibilities of the Investigating Supervisor**

1. On-Duty Member - If a member is on duty and is reasonably believed to be impaired, the investigating officer shall:
  - a. Immediately relieve the member from duty.
  - b. Relieve the member of duty firearms.
  - c. Notify the member's commanding officer, who shall notify the members Bureau Chief. Notify the Internal Affairs Division (IAD).
  - d. Inform the member of their peace officer rights in disciplinary investigations.
  - e. Order the member to submit to a test to determine the presence of intoxicants or drugs.
  - f. Order the member to submit a handwritten statement, as a response to the allegations.
  - g. Not allow the member to drive a vehicle.
  - h. Take reasonable steps to prevent the member from leaving the police facility once the investigation has been initiated.
  - i. Investigate and determine whether any of the member's supervisors may have been negligent by failing to take appropriate action.
  - j. Prepare a supervisor's investigative report and submit it along with any statements, test record, etc., to the commanding officer of the Risk Management Office (RMO) in a sealed envelope clearly marked "confidential" by the end of your tour of duty.
  - k. The investigating officer shall make a notification to the Behavioral Science Unit (BSU) and refer the member to BSU for appropriate Employee Assistance Program (EAP) resources.
  
2. Off-Duty Member - If a member is off-duty, carrying a firearm or driving a Department vehicle, and is reasonably believed to be impaired, the investigating officer shall:
  - a. Notify the member's Commanding Officer, who shall notify the member's Bureau Chief.
  - b. Relieve the member of any firearms.
  - c. Order the member to submit to a test to determine the presence of intoxicants or drugs.
  - d. Notify IAD.
  - e. Prepare a memorandum with any supportive documentation and submit it to the commanding officer of the RMO in a sealed envelope clearly marked "confidential".
  - f. The investigating officer shall make a notification to the (BSU) and refer the member to BSU for appropriate EAP resources.

**D. Investigative Report** - The investigative report must contain the following information:

1. The accused member's name, rank and assignment.
2. The time the commanding officer or senior-ranking supervisor of another unit was notified (if applicable).

3. Reason the member's conduct was brought to the Investigating Supervisor's attention, and the basis for the belief that the member was using illegal drugs or was impaired.
4. Witness and victim's statements.
5. Actions taken including all notifications.

### **References**

DGO 11.11 Intervention and Resource Program  
DGO 11.09 Employee Assistance Program/Stress Unit  
DGO 11.04 Peer Support Program  
DGO 2.08 Peace Officers' Rights in Disciplinary Investigations  
DGO 2.07 Discipline Process For Sworn Officers  
DGO 2.02 Alcohol Use by Sworn Department Members  
DGO 1.06 Duties of Superior Officers  
Disciplinary Penalty & Referral Guidelines