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| <b>Lavallette Police Department</b><br><b>STANDING OPERATING PROCEDURE</b> | Number<br><b>1-19</b>                        | Effective Date:<br><b>May 1, 2018</b> |
| Reference  | Subject:<br><b>Drug Screening Guidelines</b> |                                       |
|  | O.P.I Number                                 | Rescinds:<br>4/30/18                  |

Issuing Authority: Chief Colin M. Grant

SUBJECT: **Drug Screening Guidelines**

**Policy:**

The State of New Jersey, Office of the Attorney General has set forth guidelines for the drug testing of all law enforcement personnel. In order to ensure the integrity of the department and preserve the public trust, this department will comply with the Drug Testing Guidelines issued by the State Attorney General's Office.

**Procedure:**

**I. Reasons for Testing**

- A. The state of New Jersey has determined that all law enforcement officers who shall carry a firearms pursuant to 2C:39-6 shall be screened for the illegal or improper use of drugs.
- B. There will be mandatory testing of law enforcement job applicants and trainees as well as when there is reasonable suspicion of unlawful drug use.
  - i. Any officer who has reasonable suspicion that a fellow officer is illegally using drugs must immediately report that fact to the Chief of Police.
- C. The attorney general has issued these drug screening guidelines based upon the following premise: "The establishment of uniform statewide drug testing guidelines is absolutely necessary in order to maintain a drug free law enforcement community and at the same time to safeguard the safety and rights of the individual police officers."

**II. Notification of Screening**

- A. All applicants for law enforcement positions must submit to urinalysis prior to appointment. Those who refuse to submit to testing or produce a positive test results for unlawful drug use will be rejected for employment.
- B. Subsequent to appointment all officers will be subject to unannounced drug testing by urinalysis during the mandatory basic training. Any trainee who

refuses to submit to testing or who tests positively will be dismissed from the academy and from employment, subject to any available rights to a hearing.

- C. Permanently appointed law enforcement officers will be required to undergo further mandatory drug screening whenever there is individualized reasonable suspicion to believe that the officer is unlawfully using drugs. Officers will be tested under these circumstances only with the approval of the county prosecutor or the chief executive of the department or his designee. If a reasonable suspicion test is ordered by the chief of police or his designee, a confidential written notice shall be sent to the County Prosecutor or his/her designee within ten (10) days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or his/her designee.
- D. Before a permanently appointed officer is ordered to submit to a drug test for suspicion, the department shall prepare a confidential report, which documents the basis for reasonable suspicion. The individual whose approval is necessary to order the drug test shall base such decision on the contents of this confidential report.
- E. Permanently appointed officers who produce positive confirmed test results that indicate unlawful drug use which are upheld after a fair and impartial hearing will be dismissed from employment.
- F. Permanently appointed officers who produce positive confirmed test results that indicate unlawful drug use which are upheld after a fair and impartial hearing will be permanently barred from sworn law enforcement employment in New Jersey.
- G. Permanently appointed officers who willfully refuse to submit to urinalysis when there is reasonable suspicion to believe that the officers are unlawfully using drugs will be dismissed from employment if, after a fair and impartial hearing, it is determined that the officers were properly ordered to undergo testing.
- H. The identity of every law enforcement applicant, trainee, and permanently appointed officer who has produced positive confirmed test results for unlawful drug use will be forwarded to a central registry maintained by the Division of State Police, West Trenton, New Jersey.
- I. It shall be the policy of this department to conduct random drug screening twice (2x) a year. A 25% minimum amount of officers that can be tested shall be adhered to. This total shall include all sworn full-time officers and SLEO II officers.

### **III. Testing Procedures**

- A. Because of the severity of the possible penalties, the mechanical procedures, which will be followed in the testing process, must be impeccable.
- B. All drug screening must be conducted in accordance with legally accepted standards that ensure fairness and the reliability of test results.
- C. The following testing procedures shall be adhered to:
  - i. Urinalysis will be the primary method for drug screening of law enforcement applicants, trainees and permanently appointed officers.
  - ii. Established quality control and chain of custody procedures must be maintained throughout the entire testing process, from sample acquisition to delivery at the laboratory.

- iii. The New Jersey Medical Examiner's Toxicology Laboratory, in Newark, will be the facility for both the initial screening and confirmation analysis of urine.
- iv. A designated monitor shall be present as the sample is gathered to ensure that proper procedures are followed. The monitor must be of the same sex as the person being tested.
- v. Veteran officers will be provided an opportunity to submit two urine samples in order that one may be retained for the officer or his attorney for independent analysis. These officers may elect to have a union representative present during the testing procedures. The union representative will ensure that proper procedures are adhered to and that the sample designated for screening by independent analysis be handled by accepted evidence-handling procedures.
- vi. No adverse action may be taken against an applicant, trainee, or officer until the State Laboratory preliminary analysis and subsequent confirmation have been officially reported to the submitting law enforcement agency. Officers will be provided with a copy of the laboratory report.

**IV. Attorney General's Drug Testing Policy**

Any procedure not outlined specifically in this policy will be conducted in accordance to the Attorney General's Drug Testing policy.

**V. Public Accessibility**

- A. All random drug testing policies shall be made available to the public upon requests and shall be posted on the Lavallette Police Department's website.
  - i. All written reports created or submitted pursuant to this SOP that identify specific officers are confidential and not subject to public disclosure.