

POLICY:

It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug free work environment through the use of a reasonable employee drug-testing program. The law enforcement profession has several uniquely compelling interests that justify the use of employee drug-testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties safely and effectively. An Officer's life, the lives of fellow Officers, and the lives of the public depend on the Officer's alertness and ability to make rational decisions unaffected by illegal drug use. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus, their job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug-testing program to detect prohibited drug use by sworn law enforcement officers.

The Newton Police Department adopts the New Jersey Attorney General Directive 2018-2 and the Attorney General's Law Enforcement Drug Testing Policy (revised April 2018) requiring random drug testing as well as drug testing of applicants, trainees, and drug testing based on reasonable suspicion, consistent with Department Rules & Regulations #3.4.2.Q.

PROCEDURE:

I. Process for Adhering to Attorney General Drug Testing Policy and Directive

A. Officer Responsibilities:

1. A negative result in a drug test is a condition of employment as a sworn Officer and a positive result will result in the Officer's termination from employment, inclusion of the Officer's name in the Central Drug Registry maintained by the Division of State Police and the Officer being permanently barred from future law enforcement employment in New Jersey.
2. Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those Officers who test positive for the illegal use of drugs.
3. A sworn Officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.
4. No employee shall illegally possess any controlled substance. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
5. Employees shall adhere to Rules & Regulations #3.4.2.R regarding medication usage. Supervisors shall document any information related to this rule as well as any actions taken and provide same to the Chief of Police.
6. Any Officer who has reasonable suspicion to believe that a fellow Officer is illegally using drugs must immediately report that fact to a supervisor.

B. Administering Tests:

1. Officers assigned to the Internal Affairs function will be responsible for conducting and serving as the monitor during drug testing procedures.
2. The Internal Affairs Officer is responsible for delivering the urine specimens to the laboratory within one working day, consistent with the Attorney General's Drug Testing Policy. The Internal Affairs Officer shall be identified as the contact person for the State Laboratory.
3. For random testing, all Officers will be listed on a spreadsheet and the random function formula will be used to randomly select Officers to be tested. Three Officers will be selected each time a random test is conducted, consistent with the 10% minimum requirement set by the Attorney General. The selected Officers will be listed on the **Selection Verification Form** which will identify witnesses present who will complete and sign the **Selection Disclosure Form** ensuring confidentiality.

C. Reporting:

1. The Internal Affairs Officer shall, by December 31st of each year, complete required reporting to the Sussex County Prosecutor indicating the dates testing was conducted during the prior year, the total number of sworn Officers tested and the total number of Officers who tested positive.
2. The Drug Testing Policy shall be made available to the public upon request and will be posted on our website. All written reports created or submitted pursuant to the drug testing policy that identify specific Officers are confidential and not subject to public disclosure.
3. In the event of (1) positive drug test by an Officer, (2) a refusal by an Officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an Officer, the Chief of Police or their designee shall provide a confidential written notice to the Sussex County Prosecutor within 10 business days. Upon completion of any disciplinary action, same shall report the disciplinary outcome to the Sussex County Prosecutor.

D. Investigating:

1. The Internal Affairs process will be followed in the event of a violation of the drug testing policy, consistent with the Attorney General's Directive and Law Enforcement Drug Testing Policy.
2. An Officer must be terminated from employment as a result of a positive test result for illegal use of drugs or a refusal to submit to a drug test only in accordance with any procedures to which the officer is entitled under departmental rules and regulations, under any applicable collective bargaining agreements, or under state or federal law.

II. RECORD KEEPING

- A. The department's Internal Affairs Officer shall maintain all records relating to the drug testing of applicants, trainees, and sworn officers.
- B. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

Attachments

Attorney General Law Enforcement Directive 2018-2
Attorney General's Law Enforcement Drug Testing Policy
Selection Verification Form
Selection Disclosure Form