

Lower Township Police Department

General Order 1992-05




SUBJECT: Substance Abuse Policy

REFERENCE: Cape May County Police Chiefs Manual SOP #11 Law Enforcement Drug Testing Rev. 9/99; New Jersey Law Enforcement Guidelines Chapter 8 Drug Testing Rev. 9/98; AG Directive 2018-2 Lower Township Police Department Rules and Regs 4.5.1, 4.5.11, 6.2.4

SPECIAL INSTRUCTIONS:

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BY THE ORDER OF: Police Chief William Mastriana 	04/04/2018	Various	
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Accreditation Standards:

The written directives developed by the Lower Township Police Department are for internal use only and do not enlarge an Officer's civil or criminal liability in anyway. They should not be construed as to the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department and then only in an administrative disciplinary setting.

SUBSTANCE ABUSE POLICY

PURPOSE:

The purpose of this policy is to affirm that the Lower Township Police Department is committed to providing a safe work environment and to fostering the well-being of its employees. This commitment is jeopardized when any Lower Township Police Department employee illegally uses drugs or alcohol on the job, or comes to work under the influence of drugs or alcohol or is unfit for duty because of abuse of alcohol or drugs.

POLICY:

The policy of the Lower Township Police Department in regards to alcohol and/or drugs is based on Regulation 4.5 as follows:

- I. Alcohol Beverage and Drugs:
 - A. Consuming Alcoholic Beverages Before Duty. Employees shall not consume alcoholic beverages within eight hours prior to reporting for duty.
 - B. Being Under the Influence. Employees shall not report for duty under the influence of any alcoholic beverage.
 - C. Consuming Alcoholic Beverages on Duty. Employees of the department shall not consume any alcohol beverage while on duty.
 - D. Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:

- i. Is absolutely necessary in performance of duty, and
 - ii. Has been approved by the appropriate supervisor, and
 - iii. Does not render the employee unfit for proper and efficient performance of duty.

- E. Consuming Alcoholic Beverages Off-Duty in Uniform. Employees shall not consume alcohol beverages while off duty and in uniform or any recognizable component of the uniform.

- F. Alcoholic Beverages in Police Buildings. Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.

- G. Supervisors' Responsibility. Supervisors shall not assign to duty, or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or medicine.

- H. Possession of Alcoholic Beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police building or vehicle, except for evidential or other authorized purpose.

- I. Entering Licensed Premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with department policy.

- J. Taking Medication. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.

- K. Notification About Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employees shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication, This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

- L. Random Drug Testing. This department shall conduct random drug testing of police officers in accordance with the Drug Testing Policy of the Attorney General and the Cape May County Prosecutor's Office.

Nothing in this policy is meant to conflict with Regulation 4.5.

The goal of this policy is to balance respect of individual employee rights with the need to maintain a safe, productive, drug and alcohol-free work environment. The intent of this policy is to offer a helping hand to department employees who need it, while sending a clear message that the illegal use of drugs and abuse of alcohol is incompatible with employment in the Lower Township Police Department.

PROCEDURES

- I. Reporting Violation:
 - A. Violations of Regulation 4.5 will not be tolerated. All employees are required to report to a command officer any violation of Regulation 4.5.

- B. No employee shall remain on duty who is under the influence of alcohol or drugs. An emergency suspension until the next business day shall be mandatory (Regulation 6.2.4).
- C. An officer or employee will be required to submit to mandatory drug testing whenever there is individualized reasonable suspicion to believe that the officer or employee has been unlawfully using drugs. An officer or employee will be tested under these circumstances only with the approval of the Chief of Police or his designee.
- D. An officer or employee who produces a positive confirmed test result indicating unlawful drug use, or who refuses an order to submit to urinalysis when there is reasonable suspicion to believe that the officer or employee is unlawfully using drugs or a random selection, shall be suspended immediately from all duties. Upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, the officer shall be reported to the Central Drug Registry maintained by the State Police and the officer shall be permanently barred from future law enforcement employment in New Jersey.
- E. Drug screening through urinalysis will be conducted in accordance with the Cape May County Police Chiefs Manual SOP #11 Law Enforcement Drug Testing (Rev. 9/99) and New Jersey Law Enforcement Guidelines Chapter 8 Drug Testing (Rev. 9/98) and AG Directive 2018-2

II. Employee Assistance Program:

- A. It is the responsibility of the department's supervisors to refer employees to the Employee Assistance Program (EAP), whenever they see changes in performance or behavior that suggest an employee has a drug or alcohol problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor can and should encourage such employees to seek help through the EAP.
- B. All employees share responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have a substance abuse problem to seek help.

III. Prescription Drugs:

- A. It is a violation of department policy to use prescription drugs illegally. However, nothing in this policy precludes the appropriate use of legally prescribed medications.
- B. Employees are required to learn from their physician the nature and effects of any drugs or medicine prescribed for them, and use them appropriately while working.
- C. Whenever controlled substances or medicines that effect the central nervous system are prescribed and an employee plans to report for duty, the employee shall notify his or her immediate supervisor and the Chief of Police in writing before reporting for duty. The employee will attach to the report an "approval to work" certificate from the prescribing physician.
- D. Whenever controlled substances or medicines that effect the central nervous system are prescribed and an employee is on leave or off duty, the employee shall secure their departmental sidearm until the employee has completed the said treatment. An "approval to work certificate" from the prescribing physician is sufficient to allow the off duty carrying of the departmental sidearm in accordance with Regulation 4.5.11

IV. RANDOM DRUG TESTING PROGRAM

- A. The Lower Township Police Department shall conduct a random drug testing program in accordance with guidelines established by New Jersey Attorney General Guidelines Chapter 8, Drug Testing Revised September 9, 1998, procedures established by the Cape May County Prosecutor through the Cape May County Police Chiefs Policy Manual: S.O.P #11. L/E Drug Testing issued May 13, 1999, Attorney General Directive 2018-2 and procedures established by the Chief of Police.
- B. Supervision of the Random Drug Testing Program will be the responsibility of the Department Internal Affairs Officer.
- C. The Chief of Police, or his designee shall order individual officers to submit to a drug test when randomly selected for drug testing.
- D. Random selection for basic drug testing and steroid drug testing shall be conducted on a biannual basis. The Chief of Police shall cause at least 10% of the L/E Officers of the department to be randomly selected after certifying the list of eligible officers to the Cape May County Prosecutor's Office.

V. SELECTION PROCESS

- A. The random selection process will be conducted by the Cape May County Prosecutor's Office. The selection process will be executed by the Captain of County Detectives with the list of randomly selected employees furnished to the agency's Internal Affairs Unit.
- B. The process shall be done in its entirety and every time a selection takes place, with no regard to previous selections.
- C. One representative of the organization representing the law enforcement officers shall be invited to witness the selection process.
- D. Any employee of the agency who discloses the identity of an individual selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action.

VI. PRELIMINARY ACQUISITION PROCEDURES

- A. The Internal Affairs officer will designate an IA investigator as monitor for the specimen acquisition process.
- B. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from this department, a member of the same sex from another law enforcement agency may be requested to serve as monitor of the process.
- C. The monitor of the specimen acquisition process shall be responsible for:
 - 1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - 2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.

3. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Lab. within the Division of Criminal Justice for analysis.
4. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire (**Attachment A**) which clearly describes all medications, both prescription and over-the-counter (non prescriptions), that were ingested in the past 14 days.

VII. SPECIMEN COLLECTION

- A. Urine specimens will be collected in accordance with the Law Enforcement Guidelines, and the Cape May County Police Chiefs Policy Manual.

VIII. SPECIMEN SUBMISSION

- A. The New Jersey State Toxicology Lab within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug test. The use of other facilities or laboratories for the purposes of analyzing urine specimens will not be permitted.
- B. Submissions of specimens to the State Toxicology Laboratory will be accomplished by a member of the Detective Bureau.
- C. Commercial courier will not be utilized for specimen submissions.

IX. DRUG TEST RESULTS

- A. The State Toxicology Lab shall notify the Lower Township Police Department of any **positive test results** from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to this department within **15** working days of the submission. The State Toxicology Lab will, upon request, provide the submitting agency with written documentation that one or more specimens submitted for analyses tested **negative**.
- B. When a sworn law enforcement officer of this department tests positive for illegal drug use:
 1. The officer shall be immediately suspended from all duties.
 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action.
 3. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police by this department.
 4. The officer shall be permanently banned from future law enforcement employment in New Jersey.

X. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable

suspicion or random selection shall be suspended immediately from all duties. Upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, the officer shall be reported to the Central Drug Registry maintained by the State Police and the officer shall be permanently barred from future law enforcement employment in New Jersey

XI. RECORDS AND CONFIDENTIALITY

- A. The Lower Township Police Department IA Officer will monitor all records relating to drug testing of law enforcement officers.
- B. The drug testing records shall be completed in accordance with S.O.P. #11 of the Cape May County Police Chiefs manual.
- C. 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.

XII. CENTRAL DRUG REGISTRY

- A. The Lower Township Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit to urine sample.
- B. Notification to the Central Drug Registry will be in accordance with the S.O.P. #11 of the Cape May County Police Chiefs Manual.

XIII. NOTIFICATION OF SWORN LAW ENFORCEMENT OFFICERS

- A. Once an individual has been identified for testing, the Internal Affairs Officer or his designee shall make notification.
- B. Notification shall be accomplished as follows:
 - 1. Officers who are scheduled to work or who are actually working on the day the test is scheduled shall be notified by telephone, in writing, or in person, and directed to respond to Lower Township Police Headquarters at a designated time and date.
 - 2. Instances where a notification conflicts with an officer's obligation of answering a subpoena, the officer shall report to police headquarters as ordered, upon completion of court regardless of time.
 - 3. When officers are on vacation and out of state, the IA officer shall immediately notify the officer upon his return to New Jersey. The officer will be directed to report to police headquarters at a designated date and time.
 - 4. Notification of urinalysis shall supersede instances of previously issued orders by other superior officers that may cause conflict.

XIV. NOTIFICATION TO COUNTY PROSECUTOR

- A. In the event of (1) a positive drug test by an officer, (2) a refusal to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the law enforcement agencies chief executive or a designee shall provide a confidential written notice to the County Prosecutor or his/her designee within 10 days. Upon the completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.
- B. By December 31st of each year, a written notice shall be provided to the County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XV. ANNUAL REPORTS

- A. A copy of this policy shall be posted on the agency website.