



County of Passaic

Administration Building

401 Grand Street - Paterson, New Jersey 07505

**Passaic County Prosecutor's Office
(973) 881-4800**

Camelia M. Valdes
Passaic County Prosecutor

Neil J. Cleary
First Assistant Prosecutor

**PASSAIC COUNTY PROSECUTOR'S OFFICE
NOTIFICATION OF STANDARD OPERATING PROCEDURE (SOP)
ON MANDATORY RANDOM DRUG TESTING**

TO: All Passaic County Prosecutor's Office Personnel
FROM: Camelia M. Valdes, Passaic County Prosecutor
DATE: Effective July 12, 2018
SUBJECT: Notification of Mandatory Random Drug Testing SOP

Please find attached a standard operating procedure (SOP) updating the Passaic County Prosecutor's Office's policy on mandatory random drug testing in accordance with New Jersey Attorney General Law Enforcement Directive No. 2018-2, issued on March 20, 2018 ("Random Drug Testing Directive"), and the Attorney General's Law Enforcement Drug Testing Policy ("AG Testing Policy").

Notification of the implementation of this SOP is provided in accordance with Section D of the Random Drug Testing Directive. This random drug testing procedure applies to sworn law enforcement officers employed by the Passaic County Prosecutor's Office. Please note if random drug testing results in an initial positive result, the officer 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.

This SOP shall be available to the public upon request and shall be posted on the Passaic County Prosecutor's Office website.

Any questions should be directed to Captain Scott Heath or Chief Assistant Prosecutor Mary Catherine Ryan in the Public Integrity Unit.

This SOP is effective as of July 12, 2018.



County of Passaic

Administration Building

401 Grand Street - Paterson, New Jersey 07505

Passaic County Prosecutor's Office

(973) 881-4800

Camelia M. Valdes
Passaic County Prosecutor

Neil J. Cleary
First Assistant Prosecutor

PASSAIC COUNTY PROSECUTOR'S OFFICE STANDARD OPERATING PROCEDURE (SOP) ON MANDATORY RANDOM DRUG TESTING

TO: All Passaic County Prosecutor's Office Personnel

FROM: Camelia M. Valdes, Passaic County Prosecutor

DATE: Effective July 12, 2018

SUBJECT: Mandatory Random Drug Testing

I. PURPOSE AND SCOPE

The following SOP updates the Passaic County Prosecutor's Office's policy on mandatory random drug testing in accordance with New Jersey Attorney General Law Enforcement Directive No. 2018-2, issued on March 20, 2018 ("Random Drug Testing Directive"), and the Attorney General's Law Enforcement Drug Testing Policy ("AG Testing Policy").

II. APPLICABILITY

- A. This policy shall apply to all sworn law enforcement officers employed in the Passaic County Prosecutor's Office who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C:39-6, whether a detective or investigator, regardless of rank or assignment.
- B. Applicants for a position as a law enforcement officer and law enforcement trainees shall continue to be subject to drug testing as set forth in the AG Testing Policy.
- C. This SOP shall not affect drug testing based upon reasonable suspicion of illegal drug use pursuant to the AG Testing Policy, which testing continues as per such policy.
- D. The random drug testing provided for by this SOP shall comply with the AG Testing Policy relative to specimen acquisition and collection procedures (Section IV of the AG

Testing Policy) as well as testing by the New Jersey State Toxicology Laboratory within the Division of Criminal Justice (Sections V, VI, and VII of the AG Testing Policy).

III. SELECTION PROCESS

- A. The random selection of investigative personnel who will be subject to drug testing pursuant to this Policy shall take place at least twice on dates during the calendar year as determined by the Prosecutor.
- B. At every selection process, every detective and/or investigator, regardless of rank or assignment, shall have an equal chance to be selected for testing regardless of the fact that one or more detective and/or investigator was randomly selected for testing at a prior selection process conducted during the same calendar year.
- C. The individuals who shall be present at the time of the random selection process shall include a representative of the investigative collective bargaining unit and a detective from the investigative unit responsible for internal affairs matters (Public Integrity Unit).
- D. The random selection shall be accomplished by the use of the employee's county identification number. The numbers shall be selected either by a computer generated program or other lottery-type system.
- E. At each selection process, at least 10% of the total number of sworn law enforcement officers in the office will be selected for testing. The Prosecutor shall have the discretion to modify the total number beyond 10% of investigative personnel to be randomly selected for testing, as well as the total number of testing dates in any given year.
- F. Any employee who discloses the date of a random selection process or the identity of a detective and/or investigator selected for drug testing, other than as required by this SOP, prior to the collection of urine specimens shall be subject to discipline, up to and including suspension and termination.

IV. SPECIMEN COLLECTION PROCESS

- A. Following the selection process, the investigator from the Public Integrity Unit shall arrange for the collection of urine specimens from the investigative personnel selected as soon as possible. Investigative personnel selected who are not in the office on the date of the selection process shall be required to provide a urine specimen no later than on their next working day.
- B. If at the time of the selection process a detective and/or investigator selected is attending the Division of Criminal Justice Training Academy, where such trainee is subject to unannounced drug testing, no specimen needs to be obtained from such investigative trainee. However, this fact shall be recorded on the Random Drug Testing Report. In such a case, another selection shall be made for testing during such a selection process.

- C. In the collection of urine specimens from the selected investigative personnel, the Public Integrity Unit investigator shall comply with the guidelines established therefor in Section IV the AG Testing Policy.
- D. The sworn law enforcement officers subject to random drug testing pursuant to this SOP shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected and shall specifically be advised of this option at the time of testing. The second specimen shall be collected, secured and maintained for possible future testing in light of a positive test result in accordance with Section IV of the AG Testing Policy.

V. SPECIMEN SUBMISSION, ANALYSIS & RESULTS

- A. All specimens shall be submitted by an investigator in the Public Integrity Unit for analysis to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice in accordance with Sections V and VI of the AG Testing Policy.
- B. The County Prosecutor may request that one or more specimens be analyzed for the presence of steroids in accordance with Sections VI of the AG Testing Policy.
- C. In the event of a positive test result, the Public Integrity Unit shall notify the subject of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances may the Passaic County Prosecutor's Office resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be retested.

VI. CONSEQUENCES OF POSITIVE TEST RESULT OR REFUSAL

- A. When a sworn law enforcement officer 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, upon final disciplinary action; and
 - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey, upon final disciplinary action.

- B. When a sworn law enforcement officer refuses to submit to a drug test ordered in response to random drug testing:
1. The officer shall be immediately suspended from employment;
 2. The officer shall be terminated from employment as a law enforcement officer upon a finding that the officer did in fact refuse to submit a sample;
 3. The officer shall be permanently barred from future law enforcement employment in New Jersey upon a finding that the officer did in fact refuse to submit a sample; and
 4. The officer's name shall be forwarded to the Central Drug Registry with a notation that the individual refused to submit to a drug test, upon a finding that the officer did in fact refuse to submit a sample.
- C. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of the final disciplinary action, shall be reported by the Passaic County Prosecutor's Office to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- D. In the event of (1) a 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 Public Integrity Unit shall initiate an internal affairs investigation in accordance with existing policy and procedure.
- E. Investigative personnel who test positive for illegal drug use as a result of this random drug testing policy, as well as investigative personnel who shall refuse to submit to drug testing following their selection, shall be subject to immediate suspension from duty, termination from employment, their name reported to the Central Drug Registry maintained by the Division of State Police and shall be permanently barred from future law enforcement employment in New Jersey.
- F. Nothing in the Random Drug Testing Directive or this SOP policy shall limit the authority of the County Prosecutor to conduct any criminal and/or administrative investigation related to a positive drug test under random drug testing or related to compliance with and enforcement of the Random Drug Testing Directive and this SOP.
- G. Notifications to the Central Drug Registry shall be made in accordance with Section XII of the AG Testing Policy.

VII. RECORD KEEPING

- A. All records relating to the random drug testing established pursuant to this SOP shall be maintained by Public Integrity Unit in accordance with Section XI of the AG Testing Policy.
- B. Every time that a selection process is conducted pursuant to this SOP, there shall be completed a Random Drug Testing Report. The completion of this report shall be the responsibility of the investigator from the Public Integrity Unit designated to coordinate the specimen collection. The persons who are present at the selection process shall sign the report as witnesses.
- C. All records maintained in connection with random drug testing shall be deemed to be confidential and shall not be disclosed to any person unrelated to the procedure set forth in this SOP, the Random Drug Testing Directive, and the AG Testing Policy without the authorization of the County Prosecutor.

VIII. NOTIFICATION TO THE PROSECUTOR

- A. In the event of (1) a 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 officer in charge of the Public Integrity Unit shall immediately notify the Chief of Detectives for immediate notice to the County Prosecutor. Further, the officer in charge shall provide confidential written notice to the Chief of Detectives for forwarding to the Prosecutor within 10 days.
- B. Upon completion of any disciplinary action, the officer in charge of the Public Integrity Unit shall report the discipline to the Chief of Detectives for forwarding to the County Prosecutor.
- C. By December 31st of each year, the officer in charge of the Public Integrity Unit shall provide to the Chief of Detectives for forwarding to the County Prosecutor written notice of the dates of testing conducted during the prior year, the total number of sworn officers employed by the PCPO during that calendar year, the total number of sworn officers tested, and the total number of sworn officers who tested positive.
- D. Any notification required to be made by a law enforcement agency pursuant to Section II.F of the Attorney General Random Drug Testing Directive shall be made to the Public Integrity Unit.

IX. ANNUAL REPORT TO THE ATTORNEY GENERAL

- A. By January 31st of each year, the County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not. The summary shall not reveal any subject officer's identity.
- B. The Public Integrity Unit shall be responsible for tracking any notifications required to be made by a law enforcement agency pursuant to Section II.F of the Attorney General Random Drug Testing Directive and for preparing the annual report as required by Section II.G of the Attorney General Random Drug Testing Directive and Section IX.A of this SOP.

X. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This SOP shall be made available to the public upon request and shall be posted on the Passaic County Prosecutor's Office website.
- B. The annual report from the County Prosecutor to the Attorney General (as required by Section IX.A, above) also shall be made available to the public upon request and shall be posted on the office's website.
- C. All written reports created or submitted pursuant to this SOP or the Random Drug Testing Directive that identify specific officers are confidential and not subject to public disclosure.