



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

**TO: ALL SWORN DEPARTMENT
PERSONNEL**

FROM: Anthony Mata
Chief of Police

**SUBJECT: SWORN DRUG AND ALCOHOL
TESTING PROCEDURES**

DATE: June 9, 2023

Bulletin #2023-020

On September 22, 2022, a side letter agreement was signed between the San Jose Police Officers' Association (POA) and the City of San Jose, modifying Article 53 of the Memorandum of Agreement regarding alcohol and drug testing ([link](#)). The side letter agreement provides for random drug and alcohol testing and drug and alcohol testing following involvement in a work-related vehicle accident, both of which will be implemented on June 14, 2023. The testing standards will be the same as those outlined in the City's Department of Transportation drug and alcohol testing policy ([link](#)).

The purpose of this training bulletin is to ensure all affected Department members are aware of the testing procedures.

Random Drug and Alcohol Testing:

Sworn Department members subject to random testing may be randomly tested a maximum of two times in any 12-month period. A computer program will randomly select the names from a list of Department members. [REDACTED], the testing service provider, will provide the selected names to the Department.

Department members will only be tested during their regularly scheduled work hours. On the day of the testing, a Captain or designee will notify the randomly selected Department member of the testing and give them a printout of an ePassport, which the Department member will present at the testing facility. A confirmation number will be printed on the ePassport, along with the address of the testing facility and the time by which the testing must be completed. Upon receiving the notification, the Department member will respond to the designated testing facility in a timely manner.

Department members wearing a police uniform on the day of their testing will have the option of changing into plain clothes prior to responding to the testing facility. BFO personnel may respond to PAC to change clothes and check out an unmarked police vehicle to drive to the testing facility. Keys to the unmarked vehicles will be available in the OD's office. After the testing is completed, the Department member will immediately change back into uniform, return the unmarked vehicle if necessary, and return to service. The Department member will notify their immediate supervisor immediately upon returning to service.

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Upon arrival at the testing facility, Department members will be asked to present identification and fill out a questionnaire. Department members may use their Department-issued identification card rather than their personal driver's license for identification and they may provide the Department's address and a Department phone number in lieu of their personal address and phone number. If asked for the name of a contact person, Department members may provide the name of the Department's Health and Safety Officer, which will be noted on the ePassport. The duration of the testing will vary, depending on the time of day and volume of business at the facility. A [REDACTED] employee will meet with the Department member and provide instructions on how the tests will be performed.

Drug and Alcohol Testing Following Involvement in a Work-related Vehicle Accident:

When a sworn Department member is the driver in any work-related moving vehicle accident, they will provide a urine and breath sample for testing as soon as possible after the accident. An accident is work-related if the driver is on-duty or driving a City vehicle at the time of the accident, regardless of where the accident occurs. Drug and alcohol testing will be done regardless of whether the Department member was at fault and regardless of whether the Department member shows any signs of intoxication.

Alcohol testing will be done no later than eight hours following the accident unless testing cannot be completed due to a medical emergency. Alcohol testing will be conducted by a supervisor at least one rank higher than the involved Department member (up to the rank of Captain) using a Department-issued Preliminary Alcohol Screening (PAS) device, unless otherwise designated by the Chief of Police. The results of the PAS testing will be documented in the investigating supervisor's administrative memo, but not in the accident report (CHP 555).

Drug testing pursuant to a work-related vehicle accident will be completed no later than 32 hours following the accident unless testing cannot be completed due to a medical emergency. Upon being notified of the accident, the on-duty Captain will coordinate with the Department's Health and Safety Officer to schedule an appointment at a testing facility as soon after the accident as practicable. The Captain will then provide the Department member with the address of the testing facility and a deadline by which to take the test, which will be no later than 32 hours following the accident.

Refusal to Comply with Testing:

Refusal to comply with testing as outlined above and as provided for in the side letter shall be considered a positive test result, which is, in and of itself, subject to disciplinary action, up to and including dismissal from City service.

Consequences of a Positive Alcohol and/or Drug Test:

An employee who has a positive alcohol and/or drug test will be subject to the actions outlined in the City's Substance Abuse Program and Policy ([link](#)).

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

AM:PH