

PREFACE

This Code of Professional Practice has been written specifically for analysts. However, it is important that their managers and the technicians and others who assist them in their work are equally aware of its provisions, and they support the analyst in adhering to these. Where appropriate, the provisions are also equally applicable to the technicians in the approach to their own work.

PART I

A Code Of Professional Practice For Drug Analysts

SECTION 1: INTRODUCTION

1.1 A Code of Professional Practice is intended to provide the framework of ethical values and scientific and legal obligations within which the analyst should operate. Details are also usually provided on how alleged breaches of the Code will be investigated, what sanctions are available and how appeals should be pursued.

1.2 A Code of Professional Practice is essential to analysts and their managers in helping them carry out their duties in a proper manner and in making appropriate decisions when questions of ethics arise.

1.3 A Code of Professional Practice that is enforced and publicly available is also a powerful means of demonstrating the professional expectations of analysts and the reliability of their findings to others in the criminal justice system and the public at large.

1.4 SWGDRUG recommends that all employers of analysts develop a Code of Professional Practice and the means of dealing with breaches of the Code.

1.5 SWGDRUG further recommends that all Codes of Professional Practice for analysts should include, as a minimum, provisions relating to their professional conduct, their casework and the reporting of their results, as provided in Section 2.

SECTION 2: CODE OF PROFESSIONAL PRACTICE

2.1 Professional Conduct

Analysts should:

2.1.1 act with honesty, integrity and objectivity;

2.1.2 work only within the bounds of their professional competence;

2.1.3 take reasonable steps to maintain their competence;

2.1.4 recognize that their overriding duty is to criminal justice;

2.1.5 declare to their employer any prior contact or personal involvement, which may give rise to conflict of interest, real or perceived;

2.1.6 declare to their employer or other appropriate authority any pressure intended to influence the result of an examination.

2.2 Casework

Analysts should:

2.2.1 ensure and be able to demonstrate that the integrity and security of evidential materials and the information derived from their analysis have been maintained while in their possession;

2.2.2 ensure that they have a clear understanding of what the customer needs and all the necessary information, relevant evidential materials and facilities available to reach a meaningful conclusion in an appropriate timeframe;

2.2.3 employ an appropriate analytical approach, using the facilities available;

2.2.4 make and retain full, contemporaneous, clear and accurate records of all examinations and tests conducted, and conclusions drawn, in sufficient detail to allow meaningful review and assessment of the conclusions by an independent person competent in the field;

2.2.5 accept responsibility for all casework done by themselves and under their direction;

2.2.6 conduct all professional activities in a way that protects the health and safety of themselves, co-workers, the public and the environment.

2.3 Reporting

Analysts should:

2.3.1 present advice and testimony, whether written or oral, in a clear and objective manner;

2.3.2 be prepared to reconsider and, if necessary, change their conclusions, advice or testimony in light of new information or developments, and take the initiative in informing their employer and customers promptly of any such changes that need to be made;

2.3.3 take appropriate action if there is potential for, or there has been, a miscarriage of justice due to new circumstances that have come to light, incompetent practice or

malpractice;

2.3.4 preserve customer confidentiality unless officially authorized to do otherwise.

APPENDIX

This appendix gives EXAMPLES to demonstrate the scope of the various provisions of the Code.

Casework

2.2.1 To ensure and be able to demonstrate that the integrity and security of evidential materials and the information derived from their analysis have been maintained while in their possession:

- keeping a record of the chain of custody;
- making special note of the security of sealing and packaging of the evidential materials as received;
- preserving the evidential materials from contamination, adulteration, deterioration, loss or theft by use of appropriate working practices and utilization of suitable storage facilities with controlled access;
- using a unique identifier for the evidential materials, any sub-sample taken from them and any accompanying documentation, that will minimize the risk of misidentification;
- keeping the evidential materials in their original condition for future reference, insofar as this is possible;
- securely repackaging and resealing the evidential materials after their examination;
- preserving and returning all original packaging, with original seals intact, where this is possible;
- ensuring that access to the evidential materials and all documentation relating to these, before and after their examination, is restricted to authorized personnel.

2.2.2 To ensure that they have a clear understanding of what the customer needs and all the necessary information, relevant evidential materials and facilities available to reach a meaningful conclusion in an appropriate timeframe:

- conferring with the customer, if there is any uncertainty over their requirement;
- establishing what work needs to be performed to provide a fit for purpose response to the customer's requirement;
- ensuring that all the requisite information and evidential materials have been submitted;
- checking that all the necessary accommodation, equipment, materials and skills will be available when required;
- declining to do the testing if the customer's requirement cannot be met.

2.2.3 To employ an appropriate analytical approach, using the facilities available:

- adhering to the SWGDRUG recommendations;
- performing only those analyses that are needed to meet the specified customer requirement;
- making best use of the available resources in meeting the customer requirement;
- ensuring that the identification and quantification of any drug reflects what was present in the material submitted.

2.2.4 To make and retain full, contemporaneous, clear and accurate records of all examinations and tests conducted, and conclusions drawn, in sufficient detail to allow meaningful review and assessment of the conclusions by an independent person competent in the field:

- writing legibly;
- avoiding use of personal shorthand;
- recording all pertinent information at the time it is generated, or as soon as practicable thereafter;
- ensuring that there can be no uncertainty about what work has been carried out, how, when, where and by whom;
- complying with local jurisdictional requirements;
- consistently maintaining well-ordered casefiles and ensuring that these are available for review.

2.2.5 To accept responsibility for all casework done by themselves and under their direction:

- providing suggestions for improvement;
- ensuring that all work carried out personally and by others under their direction is in compliance with the laboratory's procedures and protocols;
- providing clear, documented instructions to persons who do work on their behalf that might subsequently be used to support any advice or evidence they give;
- defending and justifying all work that is carried out by themselves and by others on their behalf.

2.2.6 To conduct all professional activities in a way that protects the health and safety of themselves, co-workers, the public and the environment:

- being aware of and complying at all times with current health and safety legislation;
- ensuring that all relevant risk assessments have been carried out and safe systems of work are in place and being followed;
- ensuring that others in the vicinity of their work are aware of their activities, particularly where these involve the investigation of clandestine laboratories, potential exposure to controlled drugs, especially from bulk seizures, the use of other

hazardous materials or the destruction/disposal of drugs and other hazardous materials.

Reporting

2.3.1 To present their advice and testimony, whether written or oral, in a clear and objective manner:

- adhering to the SWGDRUG recommendations;
- using lay terms wherever possible;
- explaining technical terms so that they can be properly understood;
- including only facts and objective interpretations in their advice or evidence that can be justified by the work done and the information available;
- considering and providing alternative explanations or interpretations for their findings, where appropriate;
- making clear the strengths and any limitations in their advice or evidence;
- declaring anything that might undermine the integrity of their evidence or its use (e.g. unsecured packaging; possible contamination).

2.3.2 To be prepared to reconsider and, if necessary, change their conclusions, advice or testimony in light of new information or developments, and take the initiative in informing their employer and customers promptly of any such changes that need to be made:

- accepting an on-going responsibility for any advice or evidence provided;
- immediately bringing to the attention of their employer anything that they have become aware of that might cause them to question the validity of any advice given or evidence provided;
- informing the appropriate external authorities (e.g. police, prosecutor) of their concerns;
- recording in the casefile all such new information, an assessment of its implications and the actions taken.

2.3.3 To take appropriate action if there is potential for, or there has been, a miscarriage of justice due to new circumstances that have come to light, incompetent practice or malpractice:

- informing their employer about the new circumstances;
- informing their employer about relevant concerns they have about the quality of their own work or that of others working under their direction;
- advising their employer of any relevant concerns they may have about the work, advice or evidence provided by others;
- reporting to their employer any relevant concerns that others may have made (e.g. customer complaints; criticisms in court);

- ensuring that the information is brought to the attention of the appropriate external authority.

2.3.4 To preserve customer confidentiality unless officially authorized to do otherwise:

- not disclosing information about a case unless explicitly authorized to do so by the customer, a court, or other body with the relevant statutory powers; required by the law to disclose specified information to a designated person; or an overriding duty to the court and justice system for such disclosure is recognized.

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