



# Clementon Police Department

## Standard Operating Procedures

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<b>SUBJECT: DRUG SCREENING POLICY</b>			
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<i>Drug Screening</i>	21.08.02	15	CHIEF OF POLICE

**PURPOSE:** The purpose of this policy is to provide all sworn Police Officers with notice of the provisions of the Clementon Borough Police Department Drug Testing Program.

**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 Drug-Testing Program required by the Attorney General's Office Directive.

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. 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, the Clementon Borough Police Department shall implement a Drug-Testing Program to detect prohibited drug use by sworn law enforcement officers.

### DEFINITIONS:

- A. **Applicant** – Those individuals taking part in the hiring process for a position with the Police Department.
- B. **Sworn Employee** – Those employees who have been formally vested with full law enforcement power and authority. (Sworn Law Enforcement Officer.)
- C. **Supervisor** – Those sworn law enforcement officers assigned to a position having day to day responsibility for supervising subordinates, or who are responsible for commanding a work element.
- D. **Drug Test** – The compulsory production and submission of urine by an employee in accordance with department procedures, for chemical analysis to detect prohibited drug usage.
- E. **Reasonable Suspicion** – That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead

the reasonable person to suspect that the individual is or has been using drugs while on or off-duty.

- F. **Probationary Employee** – For the purpose of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the department as a law enforcement officer.
- G. **Civilian Employee** – Those employees of the Police Department who are not sworn law enforcement officers.
- H. **Trainee** – An individual enrolled in a Police Academy for the purpose of Basic Police Training.
- I. **Random Selection** – Shall be defined as a method by which each and every sworn member of the department, regardless of rank or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.
- J. **NJSTL** – New Jersey State Toxicology Laboratory.

## PROCEDURE:

### I. Prohibited Activity

- A. The following rules shall apply to all applicants, probationary, and sworn law enforcement officers, while on and off duty:
  - 1. No employees shall possess a controlled substance, unless it is legally prescribed by a licensed medical practitioner or unless the employee is in possession of the controlled substance while carrying out their duties as a law enforcement officer or agent. If the controlled substance has been legally obtained from a licensed medical practitioner, it must be carried in a container that is in compliance with applicable laws.
  - 2. No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
    - a. It is the responsibility of the individual employee and their licensed medical practitioner to assess the effect a prescription medicine has on the officer to determine if he/she is fit for duty. If the officer believes that he/she is unfit for duty while using the prescription medicine, it shall be that employee's responsibility to utilize sick time until such time as the medication is no longer needed. It is also the responsibility of the employee to consult with their license medical practitioner as to the possibility of impairing side effects and the possibility of a positive drug test from taking any prescribed medications. The licensed medical practitioner shall be advised of the responsibilities of the employee's job and effects of taking the medication while working. If the employee cannot work while taking a certain medication, medical documentation (doctor's note) shall be provided as listed below.
    - b. Employees shall notify their immediate supervisor in when required to use prescription medicine which they have been informed has the potential to impair job performance, or has the potential to cause a positive drug test result. The employee shall advise their immediate supervisor in writing of the known possible side effects of such medication, and the prescribed period of use.
    - c. Supervisors shall document this information through the use of a special report forwarded to the Chief's Office via Chain of Command.

- d. Nothing here shall preclude a supervisor from taking immediate action should a prescription medication adversely affect an employee under his/her supervision to a point where the employee is clearly unfit for duty. In such cases, the Chief of Police shall be notified immediately through the chain of command and the officer sent home on sick leave. If deemed necessary, the supervisor will arrange transportation for the employee.
3. No employee shall ingest any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
4. Any employee who unintentionally ingests, or is made to ingest a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.
5. Any employee having a reasonable basis to believe that another employee is illegally using or in possession of any controlled substance shall immediately report the facts and circumstances to their supervisor.
6. Discipline of employees for violations of its policy shall be in accordance with the due process rights provided in the department's discipline and grievance procedures and as prescribed by law.

## **II. Applicant Drug Testing**

- A. Applicants for a position of Police Officer with the Clementon Borough Police Department shall be required to take a drug test as a condition of employment during a pre-employment medical examination.
- B. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  1. Refusal to submit to a required drug test; or
  2. A confirmed positive drug test indicating drug use prohibited by this policy.
- C. An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a ruling sample will:
  1. Be rejected from employment;
  2. Be barred from applying for any other law enforcement position for a minimum of at least two years;
  3. Will cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police.

## **III. Trainee Drug Testing**

- A. All newly appointed sworn law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive test will result in:
  1. Termination of the officer's employment;
  2. Inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and
  3. The officer being permanently barred from future law enforcement in New Jersey

- B. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a ban on future law enforcement employment in New Jersey.

#### **IV. Sworn Officers Reasonable Suspicion Drug Testing**

- A. Sworn officers will be required to take drug test as a condition of continued employment in order to ascertain prohibited drug use as provided below:

- 1. The Chief of Police may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been illegally using drugs. Urine samples will not be ordered from any officer without the approval of the Chief of Police or someone acting in that capacity in the absence of the Chief.
- 2. Reasonable suspicion Testing for Cannabis Use

Consuming or being under the influence of cannabis while at work or during work hours is strictly prohibited. Officers shall be tested for cannabis in the following situations:

- a. Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
- b. Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's duties.

In the above situations, the drug test shall include a physical evaluation by a Workplace Recognition Expert to determine the officer's state of impairment and a urinalysis.

- 3. The Internal Affairs Investigator or the Chief's designee shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the Chief of Police before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. The following factors should be evaluated to determine the quality and relevance of the information acquired.
  - a. The nature of the source of the information;
  - b. Whether the information constitutes direct evidence or is hearsay in nature;
  - c. The reliability of the information or source;
  - d. Whether corroborating information exists and the degree to which it corroborates the accusation;
  - e. Whether and to what extent the information may be stale.
- 4. A negative result to a reasonable suspicion drug test is a condition as a sworn officer and a positive result for illegal drug use will result in:
  - a. The officer's termination from employment
  - b. Inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police.
  - c. The officer being barred from future law enforcement employment in New Jersey.

5. Any officer who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so is subject to the same penalties as those employees who test positive for the illegal use of drugs.

## **V. Sworn Officer Random Drug Testing**

- A. All officers, regardless of rank or assignment, to include the Chief of Police, will be eligible for selection for random drug testing.
- B. Urine specimens will be ordered from sworn law enforcement personnel who have been randomly selected to submit to a drug test.
- C. Method of selection:
  1. A spread sheet with all of the sworn officers that will include the officer's name, officer's rank, officer's badge number and a sequential number starting at 1 to easily count the number of officers listed.
  2. Only the badge numbers will be used for the selection process.
  3. The badge numbers will be entered into the a random number tumbler for randomized selection.
- D. Number of officers selected:
  1. Drug testing will be done a minimum of two (2) times per calendar year. The total number of employees tested in a calendar year will be a minimum of ten (10) percent of the total sworn members of the department. The frequency, date of selection, and number of officers tested shall be at the sole discretion of the Chief of Police.
- E. A representative of the department bargaining units may witness the selection process.
- F. The Chief of Police, or his designees', and a member of each bargaining unit shall sign a form verifying they witnessed the selection process. All parties will also sign the review spread sheet listing all officers and the result sheet from the random selection method used.
- G. All sworn officers shall be eligible for testing regardless if they are on their regular time off, on any approved time off, injured (on duty injury or off duty injury), on medical leave or personal leave. The Chief may exempt certain personnel if they are out of state for prolonged periods of time i.e. military deployments out of state.
- H. Any member of the Clementon Borough Police Department who discloses the identity of an officer selected for random testing, or the fact that a random selection is scheduled to take place or has taken place, prior to the collection of urine specimens, will be subjected to disciplinary action.
- I. Urine specimens shall be collected according to the procedures in section VII of this General Order. The monitors conducting the test will coordinate the collection schedule from the selected officers. Attempts Officers on their regular days off can be ordered in to provide samples and compensated with 2 hours of Compensatory time.
- J. A negative result to the random selection drug test is a condition of employment as a sworn officer and a positive result will result in:
  1. The officer's termination from employment.

2. Inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police
  3. The officer being barred from future law enforcement employment in New Jersey.
- K. Any officer who refuses to submit to a drug test when randomly selected is subject to the same penalties as those officers who test positive for the illegal use of drugs.
- L. A positive result to a prescription medication(s) will trigger an Internal Affairs investigation and may require the officer to undergo medical evaluation and/or documentation from the prescribing physician that the officer is in fact "fit for duty" and can work while taking the prescribed medication(s).

## **VI. Notification of Drug Screening**

### **A. Law Enforcement Officers**

1. The Clementon Borough Police Department Rules and Regulations & written policy in the form of this General Order will serve as notification to all sworn officers that drug screening through urinalysis will be conducted when:
  - a. An officer is randomly selected to participate in the drug testing procedure as described in this General Order.
  - b. There exist facts that provide a reasonable objective basis to suspect that an officer is illegally using drugs.
  - c. In addition, any officer who has reasonable suspicion to believe that a fellow officer is illegally using drugs must immediately report that fact to the Chief of Police or his designee.
2. Any officer who produces a confirmed positive test result for illegal use of drugs will be:
  - a. Terminated from employment with the department,
  - b. Included in a Central Drug Registry maintained by the Division of State Police to be accessed only through court or as a part of a confidential investigation related to law enforcement employment;
  - c. Reported to the Camden County Prosecutor;
  - d. Permanently barred from sworn law enforcement employment in New Jersey
3. In addition, notification is hereby provided that any officer who refuses to provide a urine sample upon a lawful request made upon individualized reasonable suspicion will also be dismissed.

### **B. Applicants For Sworn Law Enforcement Positions**

1. All advertisements and announcements of law enforcement positions will include notification that drug screening through urinalysis is mandatory during pre-employment and again during training. This notification will also indicate that a negative result is a condition of employment both before and during probation appointment.

2. An applicant for a sworn law enforcement position will be requested to sign a waiver located in DMS entitled, "Drug Testing Applicant Notice and Acknowledgement" consenting to the sampling and testing of urine during the employment screening process. This waiver will include notification that an applicant who produces a confirmed positive test result for illegal use of drugs will be:
  - a. Rejected for employment;
  - b. Included in a Central Registry maintained by the Division of State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement;
  - c. Barring from obtaining law enforcement employment for a period of two (2) years from the date of a positive test. In addition, if the applicant is employed in another sworn law enforcement position at the time he/she produces a positive test result, his/her current law enforcement employer will be notified of the positive test result and the individual will be dismissed from that sworn law enforcement employment position and permanently barred from sworn law enforcement employment in New Jersey.
3. This waiver will also include information that failing to provide the sample will result in rejection from employment in New Jersey.
4. Although criminal proceedings would not ordinarily be justified in the case of positive drug test obtained as a result of mandatory unannounced testing, the Chief of Police may report positive drug results to the Camden County Prosecutor in appropriate circumstances.

#### C. Trainee For Sworn Law Enforcement Positions

1. All advertisements and announcements of law enforcement positions will include notification that drug screening through urinalysis is mandatory during pre-employment and again during training. This notification will also indicate that a negative result is a condition of employment both before and during probation employment.
2. A trainee for a sworn law enforcement position will be requested to sign a waiver located in DMS entitled, "Drug Testing Trainee Notice and Acknowledgment" consenting to periodic unannounced sampling and testing of urine during attendance at a Law Enforcement Academy. This waiver will include notification that a trainee who produces a confirmed positive test result for illegal use of drugs will be:
  - a. Dismissed from the Academy and from the Law Enforcement Agency.
  - b. Included in a Central Drug Registry maintained by the Division of State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement.
  - c. Permanently barred from sworn law enforcement employment in New Jersey
3. This waiver will also include the information that failing to provide the sample will result in dismissal from the Academy and termination from employment.
4. Although criminal proceedings would not ordinarily be justified in the case of a positive drug test obtained as a result of mandatory unannounced testing, the Chief of Police may report positive drug results to the Camden County Prosecutor in appropriate circumstances.

## VII. Specimen Acquisition Procedures

- A. During the preliminary acquisition procedures, the law enforcement agency shall designate a member of its staff to serve as a monitor of the specimen acquisition process. 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 the agency collecting the specimens, the agency may request that a same sex from another law enforcement agency serve as monitor for the process.
- B. 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 Toxicology Laboratory within the Division of Criminal Justice for analysis.
- C. Prior to submission, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. This form is located in DMS entitled, "Drug Testing Applicant Notice and Acknowledgement". The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will:
1. Result in the applicant being dropped from consideration for employment.
  2. Cause the applicant's name to be reported to the central Drug Registry maintained by the Divisions of State Police.
  3. Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years. Applicants shall not complete a medical questionnaire, located in DMS entitled, "Drug Testing Medication Information", prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire, if following the submission of their specimen to the State Toxicology Laboratory for analysis; the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
- D. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form located in DMS entitled, "Drug Testing Trainee Notice and Acknowledgment" or forms provided by the Police Academy the trainee is attending advising the trainee that a negative result is a condition of employment and that a positive result will:
1. Result in the trainee being dismissed from basic training.
  2. Cause the trainee to be dismissed from employment as a sworn law enforcement officer with the Clementon Borough Police Department.
  3. Cause the trainee's name to be reported to the Central Drug Registry maintained by the Division of State Police;
  4. Cause the trainee to be permanently barred from future sworn law enforcement employment in New Jersey.
- E. This form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire located in DMS entitled, "Drug Testing Medication Information" or forms provided by the Police Academy which clearly describes all medications, both prescription and non-prescription (over the counter) that were ingested in the past fourteen (14) days. The Drug



Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor will then date and initial the seal.

- F. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire located in DMS entitled, "Drug Testing Medication Information" which clearly describes all medications, both prescription and non-prescription (over the counter) that were ingested in the past fourteen (14) days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor will then date and initial the seal. "Drug Testing Officer Notice and acknowledgment", attached to the medication form will be completed and submitted at this time.

### **VIII. Specimen Collection**

- A. Throughout the test process, the identity of the individual applicants and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
- B. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
- C. To ensure the accuracy and integrity of the collection process a monitor may :
1. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweat shirts, etc.), empty their pockets, and wash their hands under running water, before producing a specimen.
  2. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
- D. Individuals will void without the direct observations of the monitor unless there is reason to believe that the individual will adulterate the specimen and otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
- E. Urine Specimen Collection Procedure :
1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
  2. The monitor allows the donor to select two sealed specimen container kits.
  3. The donor unseals both kits and removes the kit contents on a clean surface.
  4. Using an ordinary pencil, the donor writes his/her SSN on the middle line and the letter "A" underneath the SSN. The donor will complete the date and monitor initials as directed by the monitor. The donor will place the label printed side out ensuring the complete SSN is visible from the outside of the container. This specimen will be designated as the "first sample."
  5. Next, using an ordinary pencil, the donor writes his/her SSN on the middle line and the letter "B" underneath the SSN on the second label. The donor will complete the date and monitor initials as directed by the monitor. The donor will place the label printed side out ensuring the complete SSN is visible from the outside of the container. This specimen will be designated as the "second sample."

6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
  7. The monitor instructs the donor to void a specimen between 45 mL and 60mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
    - a. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce and adequate amount of urine (see Section F below).
  8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates and acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "yes/No" column for each specimen and writes the collection date and his initials in the space provided on the submission form. If a temperature strip does not indicate the acceptable temperature the monitor must consider the possibility that the officer attempted to tamper with the collection.
  9. If the monitor is satisfied that all the test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
  10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner.
- F. Individuals that are initially unable to produce a urine specimen (shy bladder) will remain on the premises and under the supervision of the monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids (up to 40 ounces) in a reasonable period of time (up to 3 hours) in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constitutes a refusal to cooperate with the drug testing process. Under no circumstances, should multiple voids be combined to produce and adequate sample volume.

G. Second Specimen.

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independent tested. The first specimen will not be retested.
2. The second specimen will be maintained at the NJSTL for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
  - a. The agency is notified by the NJSTL that the first specimen tested positive for a controlled substance;
  - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct work place urine drug testing, and pay all costs associated with the reception and testing of the sample. The

NJSTL maintains an up to date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.

5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
6. Following testing of the second specimen, the independent laboratory will report the results of the second specimen drug testing to the donor, to the submitting agency, and to the medical review officer.

#### **IX. Submission of Specimens for Analysis**

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests.
- B. Urine specimens shall be submitted to the State Toxicology Laboratory as soon as possible after all samples are collected. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  1. Submission of specimens to the State Toxicology Laboratory may be accomplished either by department personnel or by commercial carrier.
  2. Should the agency choose to have the specimens delivered to the State Toxicology Laboratory by commercial carrier, the following safeguards will be taken:
    - a. All submissions will be sent by next day delivery;
    - b. In addition to the sealed containers, all submissions will be packaged in a manner that includes two (2) additional seals to provide for the integrity of the test specimens; and
    - c. Included with the sealed containers will be the completed submission forms and the sealed envelopes with the completed medical questioners (if required).
  3. The State Toxicology Laboratory is required to reject specimens that it has reason to believe have been subject to tampering. Notification will be made in writing to the submitting agency with the reason for the rejection.

#### **X. Analysis of Specimens**

- A. The analysis of the first specimen shall be done in accordance with currently accept procedures adopted by the State Toxicology Laboratory. These procedures shall include but not limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug metabolite cut-off levels and the issuance of test reports. In addition to the controlled substance listed below; every Law Enforcement Executive may request the specimens be analysed for the presence of steroids.
- B. The State Toxicology Laboratory's drug testing procedure will screen specimens for the following controlled substances:
  1. Amphetamine/Methamphetamine
  2. Barbiturates
  3. Benzodiazepine
  4. Cocaine
  5. Methadone
  6. Phencyclidine

7. Opiates
8. Oxycodone/Oxymorphone
9. Marijuana/Cannabis (**only** to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion (sections II.C.2 and II.C.3 of the OAG Drug Testing Policy).

- C. The State Toxicology Laboratory utilizes a two-stage procedure to analyse specimens.
  1. In the first stage, all specimens will undergo an initial screening. The initial Screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cut-off. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantification of drugs and/or metabolites presumptively identified by the initial screening.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimens. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the NJSTL, must have the candidate complete the Drug Testing Medication Information form. Once the form has been completed, the agency is responsible for transmitting the form to the NJSTL. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

## **XI. Drug Test Results**

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within fifteen (15) working days of submission. Reports will be addressed to the agency contact person listed on the specimen submission record. Positive test results will be sent to the agency contact person by certified mail.
- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. An internal investigation shall commence to determine if the officer was in fact taking the medication under valid prescription from a licensed practitioner. The investigation will also have to determine if the officer can work his assigned duties while taking the medication. The officer may have to provide medical certification that he is "fit for duty" While taking a listed medication.

- C. The department shall notify the applicant, trainee, or sworn officer of the results of the 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 shall the department of the individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State of Toxicology Laboratory be retested. The NJSTL will not provide verbal reports of drug test results.

## **XII. Consequences of a Positive Test Result**

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment with the department.
  - 2. The department shall report the applicant to the Central Drug Registry maintained by the Division of State Police.
  - 3. The applicant shall be precluded from consideration for future law enforcement employment from any law enforcement agency in New Jersey for a period of two (2) years.
  - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, in accordance with the Attorney General's Guidelines, the officer's current employer is required to dismiss the officer from employment and also report him/her name to the Central Drug Registry maintained by the division of State Police.
- B. When a trainee test positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - 1. The trainee shall be immediately dismissed from basic training subjected to the rules adopted by the Police Training Commission and suspended from employment by the appointing authority of the agency.
  - 2. The trainee shall be terminated from employment as a law enforcement officer upon final disciplinary action by the appointing authority.
  - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
  - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. 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 administratively charged and, 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.
  - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

### **XIII. Consequences of a Refusal to Submit To A Drug Test**

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement and barred from consideration for future law enforcement employment for a period of two (2) years from the date of the refusal. In addition, the department will forward the applicant's name to the Central Drug Registry maintained by the Division of State Police.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the Academy and suspended from employment. Upon finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the department will submit the trainee's name to the Central Drug Registry maintained by the Division of State Police.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to a reasonable suspicion or random selection shall be immediately suspended from employment. An Internal Affairs investigation shall commence and upon finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the department will submit the officer's name to the Central Drug Registry maintained by the Division of State Police noting that the officer refused to submit to a drug test. A sworn law enforcement 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 a drug test. There are no valid reasons why an officer cannot provide a sample; the officer's actions will be treated as a refusal.
- D. 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 final disciplinary action or prior to the completion of final disciplinary action, shall be reported by this department to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

### **XIV. Record Keeping**

- A. The Chief of Police shall maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
- B. Department testing records shall include, but not limited to:
  - 1. For all drug testing:
    - a. The identity of those ordered to submit urine samples;
    - b. The reason for that order;
    - c. The date the urine sample was collected;
    - d. The monitor of the collection process;
    - e. The chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
    - f. The results of the drug testing;
    - g. Copies of notifications to the subject;
    - h. For any positive result, documentation of the Internal Affairs investigation regarding the prescribed medication and the fitness for duty of the officer;
    - i. For any positive result or refusal, appropriate documentation of disciplinary action.
  - 2. For random drug testing, the records will also include the following information:
    - a. A description of the process used to randomly select officers for drug testing;
    - b. The date the selection was made;
    - c. A copy of the document listing the identity of those selected for drug testing;
    - d. A list of those who were actually tested; and

e. The date(s) those officers were tested.

3. 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.

**XV. Notification to Central Drug Registry**

- A. The department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, and sworn law enforcement officer who tested positive for the illegal use of drugs or who refused an order to submit a urine sample.
- B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns in lieu of disciplinary action or prior to final disciplinary action, shall be reported by this department to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notification to the Central Drug Registry shall include the following information regarding each individual:
  - 1. Name and address of the submitting agency;
  - 2. Name of the individual who tested positive;
  - 3. Last known address of the individual;
  - 4. Date of Birth;
  - 5. Social security number;
  - 6. SBI number (if applicable);
  - 7. Gender;
  - 8. Race;
  - 9. Eye Color;
  - 10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  - 11. Date of the drug test or the refusal;
  - 12. Date of dismissal or separation from the department; and
  - 13. Whether the individual was an applicant, trainee, or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the chief or director, and notarized with a raised seal.
- E. Notification to the Central Registry will be sent to:

Record & Identification Section  
Division of State Police  
P.O. Box 7068  
West Trenton, NJ 08628
- F. Information contained in the Central Registry may be released by the Division of State Police only under the following conditions:
  - 1. In response to any inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
  - 2. In response to a court order.