




**ESSEX COUNTY COLLEGE  
POLICE DEPARTMENT  
303 UNIVERSITY AVE.  
NEWARK, NEW JERSEY 07102**



<b>GENERAL ORDER</b>		<b>NUMBER</b> 18-1
		<b>DATE ISSUED</b> 11/16/18
<b>DRUG TESTING POLICY</b>		<b>DATE EFFECTIVE</b> 11/16/18
		<b>DISTRIBUTION</b> ROLL CALLS SUPERVISORS
<b>ISSUED BY</b> Associate Director Ronald H. Parm	<b>AUTHORIZED BY</b> Director Anthony J. Cromartie	

**To All Personnel:**

	<b>ESSEX COUNTY COLLEGE POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM</b>	
	<b>LAW ENFORCEMENT DRUG TESTING</b>	
	<b>Effective Date: 11-16-2018</b>	

**G.O.-1 PURPOSE**

The purpose of this directive is to establish a policy and procedure consistent with the guidelines established by the Attorney General of the State of New Jersey and the respective County Prosecutors regarding drug testing of law enforcement officers. Although this directive normally applies to applicants, recruits and in-service sworn personnel, sufficient inferences can be drawn to apply the provisions of this directive to non-sworn police personnel in the area of reasonable suspicion drug testing or fitness for duty drug testing.

**G.O.-2 POLICY**

It is the policy of this department that the critical mission of law enforcement justifies the maintenance of a drug free work environment through the establishment and use of a reasonable drug-testing program.

The police profession has several uniquely compelling interests that justify the use of drug testing. The public has a right to expect that those who protect them are at all times both physically and mentally prepared to perform 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 police officers or police employees participate in illegal drug use and drug activity, the integrity of the police 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 police profession, this department has instituted a drug testing program to deter prohibited drug use by all sworn and unsworn personnel.

**G.O.-3 DISCUSSION**

Just as law enforcement has been the vanguard in the war on drugs, so must the police community now take a leadership role on the issue of the drug testing of its own members. The goal of law enforcement drug testing must be to send a message that any drug use by its members, at any time, is unacceptable, and this department is prepared to enforce that philosophy by using drug testing technology to the fullest extent. The identification and eradication of drug use within this department is compelling and necessary for the protection of the public.

**G.O.-4 DEFINITIONS**

**Applicant** is any person who applies a position within the Essex County College Police Department who, if appointed, will be responsible for the enforcement of the criminal laws of the State of New Jersey and will be authorized to carry a firearm pursuant to N.J.S.A. 2C:39-6 (Police Officer).

**Recruit/Trainee** is any appointee who is undergoing mandatory basic training at a New Jersey Police Training Commission approved police academy.

**Officer** is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state and authorized to carry a firearm under N.J.S.A. 2C:39-6.

**Supervisor** is an officer formally assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work unit.

**Employee** includes any civilian employee assigned to or under the supervision of the police department.

**Drug Test** is the compulsory production and submission of urine by an employee in accordance with these established procedures, for laboratory analysis to detect prohibited drug use.

**Positive Result** is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis **and** a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed on the report does not explain the test result.

**New Jersey State Toxicology Laboratory (NJSTL)** is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy.

**Random Selection** is defined as the method by which every police officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.

**Reasonable Suspicion** is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

**Specimen or Sample** is the urine specimen collected for submittal to the NJSTL for testing.

**Subject** is the employee, supervisor or officer being tested.

#### **G.O.-5 GENERAL**

- a. The provisions of this directive shall be carried out under the authority of the Director of Public Safety (DPS) and under the direction of the Internal Affairs Supervisor.
- b. Applicants
  1. Applicants for the position of police officer shall be required to submit a urine specimen at any time prior to appointment. A statement of this requirement shall be included in the application for employment.
  2. A negative result is a condition of employment.
  3. A positive result, or a refusal to submit a specimen for testing, will result in:
    - The applicant being dropped from consideration for employment,
    - Cause the applicant's name to be reported to the central drug registry maintained by the State Police, and

- Preclude the applicant from being considered for future law enforcement employment for a period of two years.
  - 4. If the applicant is currently employed by another department as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing department shall be notified of the test results without undue delay.
  - 5. Any ECC Police Officer who is an applicant in another jurisdiction and yields a positive drug test result after undergoing drug testing by that jurisdiction in comportment with the guidelines established by the Attorney General of the State of New Jersey shall be:
    - Immediately suspended from all duties;
    - Terminated from employment as a police officer upon final disciplinary action.
    - Reported to the central drug registry maintained by the State Police.
    - Permanently barred from future law enforcement employment in the State of New Jersey.
- c. Recruit/Trainee
1. Recruits/trainees shall be required to submit one or more urine specimens for testing at any time while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules and regulations established by the Police Training Commission.
  2. All newly appointed officers shall be informed that drug testing is mandatory during their basic training.
  3. A negative result(s) is a condition of continued employment.
  4. A positive test result will result in the following:
    - The recruit shall be immediately dismissed from the police academy and immediately suspended from this department.
    - The recruit shall be terminated from employment as a police officer upon final disciplinary action.
    - The recruit's name shall be reported to the central drug registry maintained by the State Police.
    - The recruit shall be permanently barred from future law enforcement employment in the State of New Jersey.
  5. Refusal to submit to a drug test shall result in the same penalties set forth in section G.O. 5b(4) above.
  6. Individual trainees may also be required to submit a urine specimen for testing when there exists a reasonable suspicion to believe that the trainee is illegally using drugs. A recruit/trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Director of Public Safety (DPS), or the academy director.
- d. Police Officers/Random Selection
1. Urine specimens shall be ordered from in-service police officers who have been randomly selected to submit to a drug test.
  2. Ten percent (10%) of the sworn officers at each geographic division shall be selected each time. The frequency and dates of the selection shall be at the sole discretion of the DPS or designee.

3. Random drug testing of in-service police officers shall occur no less than twice (2 times) per calendar year; however nothing in the section is intended to preclude the department from conducting random drug testing more frequently.
  4. A negative test result is a condition of continued employment.
  5. A positive test result will result in the following:
    - The officer shall be immediately suspended from all duties;
    - The officer shall be terminated from employment as a police officer upon final disciplinary action.
    - The officer's name shall be reported to the central drug registry maintained by the State Police.
    - The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
  6. Officer(s) who refuse to submit to random drug testing are subject to the same penalties set forth in section G.O. 5c(5).
  7. Officer(s) randomly selected who are on sick leave, vacation leave, leave of absence, special day off, or away on official business shall be immediately tested upon their return without exception.
  8. Any employee of the police department who discloses the identity of an officer selected for random drug testing, the fact that a random drug test is scheduled, or that they had supplied a sample for random drug testing shall be subject to disciplinary action.
- e. Police Officers/Reasonable Suspicion
1. In addition to random testing, urine specimens shall be ordered from any police officer when there exists a reasonable suspicion to believe that the officer is illegally using drugs and/or steroids. Urine specimens, for this purpose, shall not be ordered from the officer without the approval of the County Prosecutor with appropriate jurisdiction or the DPS.
  2. In determining whether to order a reasonable suspicion test; the following factors shall be evaluated to determine the quality and relevance of the information acquired to support the request:
    - The nature and source of the information;
    - Whether the information constitutes direct evidence or is hearsay in nature;
    - The reliability of the informant or source;
    - Whether corroborating information exists and the degree to which it corroborates the accusation and
    - Whether and to what extent the information may be stale.
  3. A negative test result is a condition of continued employment.
  4. A positive test result will result in the following:
    - The officer shall be immediately suspended from all duties;
    - The officer shall be terminated from employment as a police officer upon final disciplinary action.
    - The officer's name shall be reported to the central drug registry maintained by the State Police.
    - The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.

5. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the officer is subject to the same penalties as for those who test positive for the illegal use of drugs, see section G.O. 5d(3).
  6. Regardless of the reason for testing, any officer who tests positive for unlawful 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, shall be reported to the central drug registry maintained by the State Police and shall be permanently barred from future law enforcement employment in New Jersey.
  7. Any officer who has reason to believe that a member of this department is utilizing illegal drugs must report that suspicion or face disciplinary action.
  8. Any officer having reasonable suspicion of illegal drug use by another officer shall report it by way of a confidential report to the DPS or the Internal Affairs Supervisor. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.
  9. In the event of the administration of a reasonable suspicion drug test of an officer, the director shall cause written notice, via confidential memorandum to the county prosecutor with respective jurisdiction within ten (10) calendar days.
- f. Fitness of Duty Examinations:
1. Urine samples may be requested by a physician designated by the university during any regularly scheduled and announced medical examination or a fitness for duty examination. The subsequent collection and analysis of any specimen obtained through a medical examination or fitness for duty examination will be under the control of the university-designated physician.
  2. All personnel shall be required to submit to urine testing when told to by occupational health or university designated physician.
  3. Failure to submit to this physician ordered urine testing shall be considered a form of gross insubordination and subject to termination upon final disciplinary action.
- g. Civilian Personnel-Reasonable Suspicion/Fitness for Duty Examinations:
1. Civilian personnel are often called upon to perform a myriad of duties that had traditionally been performed by sworn police officers. These duties require civilians to act and otherwise make decisions that are a matter of public safety and include, but are not limited to the following positions:
    - Public Safety Telecommunications staff members;
    - Evidence Technicians/Clerks;
    - Security Officers
    - Clerks/Secretaries, etc.
  2. These provisions regarding reasonable suspicion testing and fitness for duty testing are a logical extension of management's obligation to ensure a work environment free of the dangers of unlawful drug use, thereby maintaining public safety and confidence.

3. Urine specimens shall be ordered from any civilian employee when there exists a reasonable suspicion to believe that the employee is illegally using drugs. Urine specimens, for this purpose, shall not be ordered from the employee without the approval of the DPS, Internal Affairs Supervisor, or designee.
  4. Reasonable suspicion drug testing and fitness for duty drug testing will normally be performed by a physician or facility designated by the College's Occupational Health Center.
  5. If an employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the employee is subject to termination upon final disciplinary action for gross insubordination.
  6. Any employee who has reason to believe that a member of this department is utilizing illegal drugs must report that suspicion or face disciplinary action. These suspicions must be reported by way of a confidential report to the DPS; Division Commander or the Internal Affairs Supervisor. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.
- h. The New Jersey Attorney General's Law Enforcement Drug Testing Policy (herein "NJ AG Drug Testing Policy") shall be permanently attached to this directive.
  - i. Information contained in the central registry may be released by the Division of State Police only in response to an inquiry from a criminal justice department as part of the background investigative process for prospective or new personnel or in response to court order.

#### **G.O.-6 PRELIMINARY PROCEDURES**

- a. Applicants
  1. Prior to the submission of a specimen, an applicant shall execute a form consenting to the collection and analysis of their urine for unlawful drugs. This form shall include wording advising them that a negative result is a condition of employment and a statement of the consequences of a positive test or refusal to submit a specimen (see G.O. 5a et. Seq.)
  2. Applicants shall not complete the ***Drug Testing Applicant Notice and Acknowledgement (Attachment B)*** prior to the submission of a specimen unless they have already received a conditional offer of employment.
  3. Applicants shall subject to the acquisition procedures set forth in section G.O.-7.
- b. Recruit/Trainee
 

All drug testing conducted during mandatory basic training shall comply with the rules and regulations established by the Police Training Commission and conducted under the auspices of the police academy director or designee.
- c. Random Testing of Sworn Police Officers
  1. Each sworn member of the ECC Police Department, regardless of rank or assignment, will be assigned a confidential four-digit number.
  2. The Internal Affairs Supervisor shall maintain a database containing officer's names, social security numbers and the random number selected.

3. A non-programmable random number generator program has been installed ONLY within the computer of the Internal Affairs Supervisor's office and will generate a random number upon command.
  4. This software application shall be secure and accessible by only the DPS or designee, Internal Affairs Supervisor, or designee.
  5. The confidential number assigned to each police officer shall be periodically rejuvenated.
  6. A representative of the Department's Fraternal Order of Police shall be notified of every random number selection process and shall be required to witness the random number selection. Each representative shall indicate that that they had witnessed the selection process on the Random Drug Number Selection list.
- d. Civilian Employees
1. Reasonable suspicion drug testing and drug testing performed during a fitness for duty examination are under the auspices of the College's Occupational Health at a location selected by the Director.
  2. Drug test results will normally be forwarded to the College's Department of Occupational Health or a designated physician for review. The physician will interpret the results and tender a recommendation to the EDPS / CUPD with geographic responsibility concerning the employee's employment status.
  3. If the drug test reveals the use of any unlawful substance, the employee will be subject to termination upon final disciplinary action.
  4. The presence of a lawful substance is subject to review by the College's physician to determine if the substance is or has adversely affected the employee's job performance. Any employment action will be decided on a case by case basis in comportment with A.D.A. guidelines.

#### **G.O.-7 ACQUISITION PROCEDURE**

*This section applies to sworn applicant testing, random selection testing and reasonable suspicion testing for sworn officers only.*

- a. The Internal Affairs Supervisor shall designate any staff member(s) to act as the monitor(s). The monitor(s) shall be the same gender as the subject selected. In the event of any conflict, a monitor may be requested from another law enforcement department.
- b. It is the duty of the monitor(s) to ensure that all required documentation is fully and accurately completed and submitted in accordance with this directive.
- c. The subject(s) selected shall fully complete a ***Drug Testing Medication Information Report (Attachment A)*** form provided by the monitor.
  1. No subject shall make any false or misleading statements on the report. All prescription drugs listed on the form are subject to verification. The subject shall also list all non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days.
  2. The ***Drug Testing Medication Information Report (Attachment A)*** shall be placed in an envelope which is sealed by the subject. The subject shall date and initial the seal.



*(It is important to note that this will be the only opportunity for the tested person to disclose the medication they have taken. Subjects who yield positive test results will not be given another chance to list any medication they have taken.)*

- d. The monitor(s) shall collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the sample provided. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
  1. A monitor can, among other things, direct an individual officer or employee who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
  2. The monitor may wish to add tinting agents to toilet water and secure the area where the specimens are to be collected prior to conducting individual drug tests.
- e. Subjects shall have the option of providing a second specimen that must be collected at the same time as the first.
- f. Subjects will provide the required specimen without direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the process. Under these circumstances, the monitor may directly observe the production of a specimen. The monitor must fully document the facts and circumstances underlying their belief that the subject may adulterate a specimen or compromise the integrity of the process. In the event it is determined that the monitor will directly observe the production of a specimen, the monitor shall ***always*** be of the same sex as the individual being tested.
- g. Subjects must provide the specimen upon being ordered to do so. Subjects that are initially unable to do so may be permitted to drink water in an attempt to induce the production of a specimen. Subjects shall not be permitted to consult with anyone prior to submitting the specimen. Any attempt to delay the submission of a specimen, based upon their desire to consult with anyone, will be treated as a refusal. If the subject remains unable to provide a specimen after a reasonable amount of time, the monitor may direct the individual to be examined by a physician to determine whether the inability to produce a specimen is as a result of a medical or physical infirmity or a refusal to cooperate with the testing process.
- h. The chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to as set forth in the Attorney General's Law Enforcement Drug Testing Policy.
- i. Urine specimens should be submitted to the NJSTL as soon as possible after their collection. In the event specimens cannot be submitted to the NJSTL within one calendar day of collection; samples will be secured in a specially designated refrigerator/freezer unit located under the exclusive control of the Internal Affairs Supervisor or designee. The access to this repository shall be restricted to Internal Affairs personnel.
- j. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be

collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.

- k. Urine specimens shall be collected in strict accordance with the provisions of NJ AG Drug Testing Policy at Section: IV, §C – Urine Specimen Collection Procedure; including the “Shy Bladder’ Procedure” at Section: IV, §D, where applicable.
- l. The second specimen shall be collected at the same time as the first and delivered contemporaneously to the New Jersey State Toxicology Laboratory.
- m. If the test results in a negative reading, the second sample will be destroyed by the NJSTL.
- n. If the test results in a positive reading, the officer shall notify the department within ten (10) days of their intent to have the second sample tested by an independent laboratory. 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.
  - The subject will be required to 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 workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
  - The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.  
*Note: Under no circumstances may the first sample be retested.*
- o. The second specimen shall be released under the following circumstances:
  - This department is notified by the State of New Jersey Toxicology Laboratory that the specimen tested positive for controlled substance(s); and
  - This department is notified by the officer that tested positive that they wish to have their second specimen tested by an independent laboratory; and
  - The officer designates a laboratory, licensed as an approved clinical laboratory by the New Jersey Department of Health under The New Jersey Clinical Laboratory Improvement Act, to conduct the independent test; and
  - A representative of the designated clinical laboratory takes possession of the second specimen in accordance with acceptable chain of custody procedures.
  - All secondary testing of specimens shall be at the expense of the officer tested.

**ANY OFFICER OR EMPLOYEE OF THE POLICE DEPARTMENT WHO KNOWINGLY TAMPERS WITH ANY SPECIMEN, OR OTHERWISE COMPROMISES THE TESTING PROCESS SHALL BE SUBJECT TO CRIMINAL AND/OR DISCIPLINARY ACTION.**
- p. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
  - Amphetamine/methamphetamine;
  - Barbiturates;
  - Benzodiazepine;
  - Cocaine;
  - Marijuana;

- Methadone;
  - Opiates;
  - Oxycodone/Oxymorphone and
  - Phencyclidine.
  - .
- q. The State Toxicology Laboratory may be requested to select one of the specimens being submitted to be tested for the presence of steroids. The specimen selected for additional testing under this section is done, in every respect, by the State Toxicology Laboratory. The only involvement of the department is requesting that one of the submitted samples be, at random, further tested for the present of steroids.
- r. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

**G.O.-8 DRUG TEST RESULTS**

- a. The State Toxicology Laboratory utilizes a two stage procedure to analyze 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 cutoff. 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 quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- b. 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.
- c. The State Toxicology Laboratory shall notify the submitting law enforcement department of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the department within 15 working days of the submission.
- d. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- e. The submitting department shall notify the applicant, trainee or sworn officer 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.
- f. Under no circumstances may a department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

**G.O.-9 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 by the department;
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement department to which the individual applied; and
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement department in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another department as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- b. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority;
  - 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; and
  - 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 terminated from employment as a law enforcement officer, upon final disciplinary action;
  - 3. The officer shall be reported by his or her employer to Central Drug\ Registry maintained by the Division of State Police; and
  - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

**G.O.-10 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 employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- b. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a 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 appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- c. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a 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 appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- 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, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

#### **G.O.-11 ACCIDENTAL/INADVERTENT EXPOSURE**

Any officer or employee who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty the officer or employee must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the DPS and the Internal Affairs Supervisor through the chain of command. If the exposure occurs off duty, notification must be made without undue delay.

#### **G.O.-12 POSITIVE TEST RESULT PRECIPITATED BY LAWFUL AND REPORTED PRESCRIPTION MEDICATION**

- a. Any test that reveals the presence of a drug listed on the subject's Medication Information Report will be reported to this department. This result will be reported with the explanation that the substance was listed on the Medication Information Report.
- b. The officer or employee shall be required to provide the department with documentation from the treating physician that the medication was lawfully prescribed and did not render the office or employee unfit for duty.
- c. The Director will have the option of causing a further investigation into the listed substance and its use.

#### **G.O.-13 NOTIFICATIONS**

- a. The Internal Affairs Supervisor shall notify Director of Public Safety (DPS) in addition to the appropriate County Prosecutor's Office if any police officer tests positive or refuses to be tested pursuant to this directive.
- b. Upon completion of any disciplinary action associated with this directive; the Chief of University Police or designee shall report the discipline to the County Prosecutor with respective jurisdiction.
- c. Applicants, trainees and sworn officers who test positive for the unlawful use of drugs, or who refuses an order to submit a urine sample when ordered to shall be reported to the Central Drug Registry maintained by the New Jersey State Police

on a form approved for use by the Attorney General. Notifications to the Central Drug Registry shall include the following information as to each individual:

- Name and address of the submitting department, and the contact person;
  - Name of the individual who tested positive;
  - Their last known address;
  - Their date of birth;
  - Their social security number;
  - Their SBI number (if known);
  - Their gender;
  - Their race;
  - Their eye color;
  - The substance they tested positive for, or circumstances of the refusal to submit a urine sample;
  - Date of the drug test or refusal;
  - Date of final dismissal or separation from this department; and
  - Whether the subject was an applicant, trainee or sworn officer.
- c. The certification section of the notification form must be completed by the Director of Public Safety (DPS) and be notarized with a raised seal.

#### **G.O.-14 RECORDKEEPING**

- a. The Office of Internal Affairs shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- b. These records shall include, but are not limited to:
1. The identity of those ordered to submit urine samples;
  2. The reason for the order;
  3. The date the sample was collected;
  4. The name of the monitor;
  5. The chain of custody of the sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
  6. The results of the drug testing;
  7. Copies of notifications to the subject of the drug testing; and
  8. For any positive result or refusal, appropriate documentation of the disciplinary action.
- c. For random selection drug testing, the records will also include:
1. A description of the process used to randomly select officers for drug testing;
  2. The date the selection was made;
  3. A copy of the document listing the identities of those selected for drug testing;
  4. A list of those who were actually tested; and
  5. The date(s) those officers were tested.
- d. It shall further be the policy of this department to maintain sworn applicant drug testing, random selection drug testing, and reasonable suspicion for sworn officer

drug testing records with the level of confidentiality required for internal affairs files pursuant to the *New Jersey Internal Affairs Policy and Procedures* manual.



LAW ENFORCEMENT DRUG TESTING
DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGEMENT

I, \_\_\_\_\_, understand that as part of the pre-employment process, the Essex County College Police Department will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis.

I understand that a negative drug test result is a condition of employment.

I understand that if I refuse to undergo the testing, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test, After this two year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

Signature of Applicant Date Signature of Witness Date



*This Page Intentionally Left Blank For Double Sided Printing*

## LAW ENFORCEMENT DRUG TESTING DRUG TESTING MEDICAL INFORMATION REPORT

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

all that apply:

- A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

- B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

- C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

\_\_\_\_\_  
 Social Security Number & Initials

\_\_\_\_\_  
 Date

*This Page Intentionally Left Blank For Double Sided Printing*



*This Page Intentionally Left Blank For Double Sided Printing*

# Attorney General's Law Enforcement Drug Testing Policy



Revised April 2018

**DRUG TESTING**

**Attorney General's Law Enforcement Drug Testing Policy**

Revised April 2018

Table of Contents

I. INTRODUCTION ..... 1

II. APPLICABILITY ..... 1

III. NOTIFICATION OF DRUG TESTING PROCEDURES ..... 5

IV. SPECIMEN ACQUISITION PROCEDURES ..... 6

V. SUBMISSION OF SPECIMENS FOR ANALYSIS..... 9

VI. ANALYSIS OF SPECIMENS ..... 10

VII. DRUG TEST RESULTS ..... 11

VIII. CONSEQUENCES OF A POSITIVE TEST RESULT ..... 12

IX. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST ..... 12

X. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION..... 13

XI. RECORD KEEPING ..... 13

XII. CENTRAL DRUG REGISTRY..... 14

ATTACHMENTS ..... 16

## **DRUG TESTING**

### **Attorney General's Law Enforcement Drug Testing Policy**

Revised April 2018

#### **I. INTRODUCTION**

As the chief law enforcement officer of the State, the Attorney General is duty bound to ensure that the citizens of New Jersey receive police services from law enforcement officers whose competency and integrity are beyond question. The Attorney General is responsible for ensuring that the illegal use of drugs by individual law enforcement officers does not undermine the integrity of law enforcement agencies or threaten the safety and morale of other law enforcement officers.

This policy supersedes the *New Jersey Law Enforcement Drug Testing Manual (7/15/01)* as well as prior versions of the *Attorney General's Law Enforcement Drug Testing Policy* (last rev. May 2012). It has been revised in accordance with Attorney General Directive 2018-2 requiring the implementation of a random drug testing policy by all state, county and municipal law enforcement agencies under the legal authority of the Attorney General. It also requires the drug testing of law enforcement applicants as a condition of employment. The Division of Criminal Justice together with the State Toxicology Laboratory is responsible for coordinating the New Jersey law enforcement drug testing program. Information concerning the program may be found at the Division's website [www.njdcj.org](http://www.njdcj.org).

The goal of the policy is deter illegal drug use by law enforcement officers. The policy provides law enforcement agencies with a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive shall be terminated from employment.

The policy sets forth uniform methods and procedures for implementing and administering law enforcement drug testing. The policy further outlines the duties and responsibilities of the State's law enforcement agencies and chief executive officers with respect to the drug testing process. Every law enforcement agency under the authority of the Attorney General must implement a drug testing program consistent with this policy.

The policy seeks to ensure that the employment rights of individual law enforcement officers are safeguarded consistent with legal principles. As a result, the policy sets forth procedures for the uniform collection, submission and analysis of drug test specimens. The procedure further seeks to ensure the accuracy and reliability of the drug testing process. Every law enforcement agency must administer its drug testing program in a way that is fundamentally fair to individual law enforcement officers and is consistent with due process requirements.

#### **II. APPLICABILITY**

##### **A. Personnel**

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under [N.J.S.A. 2C:39-6](http://www.nj.gov/njsa/2C/2C39-6.html).



2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
4. The *Law Enforcement Drug Testing Policy* does not apply to civilian employees of a law enforcement agency. Agencies that wish to drug test civilian employees should consult with legal counsel to establish drug testing policies and procedures consistent with human resource policy and/or collective bargaining rights.

#### B. Employment Status

Drug testing may be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required of all police applicants and trainees. Pursuant to AG Directive 2018-2, law enforcement agencies are required to implement a random drug testing program for all sworn officers in their departments. Further, law enforcement agencies have an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

##### 1. Applicant Testing

The Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees should be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.

In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.

During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

##### 2. Trainee Testing

Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees

will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

### 3. Officer Testing

Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the chief executive officer of the officer's agency.

Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

## C. Types of Testing

### 1. Random Testing

Random drug testing of all state, county and local sworn law enforcement officers is required by AG Directive 2018-2. Random selection is defined as a method of selecting employees for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made.<sup>1</sup> The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency. AG Directive 2018-2 requires a minimum of ten percent of the sworn officers within an agency be randomly tested each time. Each agency must perform the random test at least once in 2018 and at least twice in every subsequent calendar year.

Agencies must establish a random drug testing program by rule, regulation or procedure. A municipal police department should have the appropriate authority adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating random drug testing. County, State or campus police agencies should have the appropriate administrative, executive or law enforcement official adopt a policy or procedure mandating random drug testing. Random drug testing cannot be implemented until the rule, regulation or procedure has been in effect for a minimum of 60 days.

---

<sup>1</sup> New Jersey Transit PBA Local 304 v. New Jersey Transit Comp., 290 N.J. Super 406, 432 (App. Div. 1996)

The agency must choose a method of random selection which ensures that every sworn officer in the agency has an equal chance of being selected each and every time a selection takes place. In other words, an officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests. The mechanism for selecting officers can be as simple and inexpensive as placing names in a hat, or as complex and expensive as a custom computer program.

The random selection process should be verified and documented. The agency should permit representatives of the affected collective bargaining units to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone who discloses the identity of an officer selected for random testing, or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, will be subject to discipline.

## 2. Reasonable Suspicion

Agencies must undertake drug testing when there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of controlled substances. Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."<sup>2</sup>

The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways.<sup>3</sup> First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard.<sup>4</sup> Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause."<sup>5</sup> The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:

- a. The nature and source of the information;
- b. Whether the information constitutes direct evidence or is hearsay in nature;
- c. The reliability of the informant or source;
- d. Whether corroborating information exists and the degree to which it corroborates the accusation; and
- e. Whether and to what extent the information may be stale.

Every law enforcement agency subject to the jurisdiction of the Attorney General must include in its rules and regulations a provision governing reasonable suspicion drug testing. Before a law enforcement executive may order an individual officer to undergo reasonable suspicion testing, the agency shall prepare a written report documenting the basis for the test. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. Law enforcement executives

---

<sup>2</sup> Caldwell v. New Jersey Department of Corrections, 250 N. J. Super. 592, (App. Div. 1991) cert. denied, 127 NJ 555(1991)

<sup>3</sup> Drake v. County of Essex, 275 N.J. Super. 592, 609 (App. Div. 1994)

<sup>4</sup> Id.

<sup>5</sup> Id.

who wish to discuss whether the information they possess is sufficient to conduct reasonable suspicion testing should contact their county prosecutor's office for advice.

### III. NOTIFICATION OF DRUG TESTING PROCEDURES

#### A. Applicants

Agencies must notify applicants for law enforcement positions that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

#### B. Trainees

All newly appointed 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 result will result in: a) result in the trainee being dismissed from basic training; b) the trainee's termination from employment; c) inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and d) the trainee being permanently barred from future law enforcement employment in New Jersey.

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 permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the central drug registry maintained by the Division of State Police. Each police academy shall include in its rules and regulations a provision implementing drug testing during basic training.

#### C. Sworn Law Enforcement Officers

Each municipal law enforcement agency shall include in its rules and regulations as defined in N.J.S.A. 40A:14-118, and every county and state law enforcement agency shall include in appropriate standard operating procedures, a provision that individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs as well as they are subject to mandatory random drug testing pursuant to AG Directive 2018-2.

The agency's rules and regulations or appropriate standard operating procedures shall also provide that a negative result is a condition of employment as a sworn officer and that a positive result 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; and c) the officer being permanently barred from future law enforcement employment in New Jersey.

The agency's rules and regulations or appropriate standard operating procedures shall further provide that officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. 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 the drug test.

#### IV. SPECIMEN ACQUISITION PROCEDURES

##### A. Preliminary acquisition procedures

1. The law enforcement agency shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the agency collecting the specimens, the agency may request that a member of the same gender from another law enforcement agency serve as monitor of the process.
2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III B of this policy. The form shall also advise the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.
4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

## B. Monitor's Responsibilities

1. The monitor of the specimen acquisition process shall be responsible for:
  - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
  - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
  - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
  - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
  - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
  - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

## C. 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 and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
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 60 mL 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 an adequate amount of urine (See Section D. "Shy Bladder" Procedure 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 an 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/her initials in the spaces 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 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 (See Section V. Submission of Specimens for Analysis below).

D. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
  - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.

- c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

#### E. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen will be maintained at the State Toxicology Laboratory 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 State Toxicology Laboratory 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 workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
  - a. The State Toxicology Laboratory 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 result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

#### V. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.



- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimens in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory (Attachment E).
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using "next day delivery." Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
  - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

#### VI. ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cocaine
  - Marijuana
  - Methadone
  - Opiates
  - Oxycodone/Oxymorphone
  - Phencyclidine
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze 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 cutoff. 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 quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- 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 specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. 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.

## VII. 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 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the 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. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

## VIII. 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 by the agency.
2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two 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, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

### B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

1. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by his or her appointing authority.
2. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer.
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, upon final disciplinary action, terminated from employment as a law enforcement officer.
3. The officer shall be reported by his or her employer to 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.

## IX. 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 employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's

name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a 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 appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a 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 appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, 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 the drug test.

#### X. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

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, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

#### XI. RECORD KEEPING

- A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. Each agency's drug testing records shall include but not be limited to:
  - 1. All drug testing:
    - a. the identity of those ordered to submit urine samples;
    - b. the reason for that order;
    - c. the date the urine 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 from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
    - i. for any positive result or refusal, appropriate documentation of disciplinary action.
  - 2. Random drug testing, the records shall also include the following information:
    - a. a description of the process used to randomly select officers for drug testing;
    - b. the date selection was made;
    - c. a copy of the document listing the identities of those selected for drug testing;
    - d. a list of those who were actually tested; and
    - e. the date(s) those officers were tested.
- 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. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test (Attachment F).
- B. 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, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - 1. Name and address of the submitting agency, and contact person;
  - 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 known);
  - 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 refusal;
  12. Date of final dismissal or separation from the agency; 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. Notifications to the central registry shall be sent to:
- Division of State Police  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068
- F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
  2. In response to a court order.

**ATTACHMENT A**

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_, understand that as part of the pre-employment process, the \_\_\_\_\_ will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment. I understand that if I refuse to undergo the testing, I will be rejected from employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

\_\_\_\_\_  
Signature of Applicant                      Date

\_\_\_\_\_  
Signature of Witness                      Date

**ATTACHMENT B**

DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_, understand that as part of the program of training at the \_\_\_\_\_, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my employer of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

\_\_\_\_\_  
Signature of Trainee                      Date

\_\_\_\_\_  
Signature of Witness                      Date



**ATTACHMENT C**

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_, understand that as part of my employment with \_\_\_\_\_, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the above listed department.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I refuse to undergo testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

\_\_\_\_\_  
Signature of Officer                      Date

\_\_\_\_\_  
Signature of Witness                      Date

**ATTACHMENT D**

DRUG TESTING MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

Check all that apply:

\_\_\_ A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

\_\_\_ B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Name of Medication	Date Last Taken
1		
2		
3		

\_\_\_ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

\_\_\_\_\_  
Social Security Number and Initials

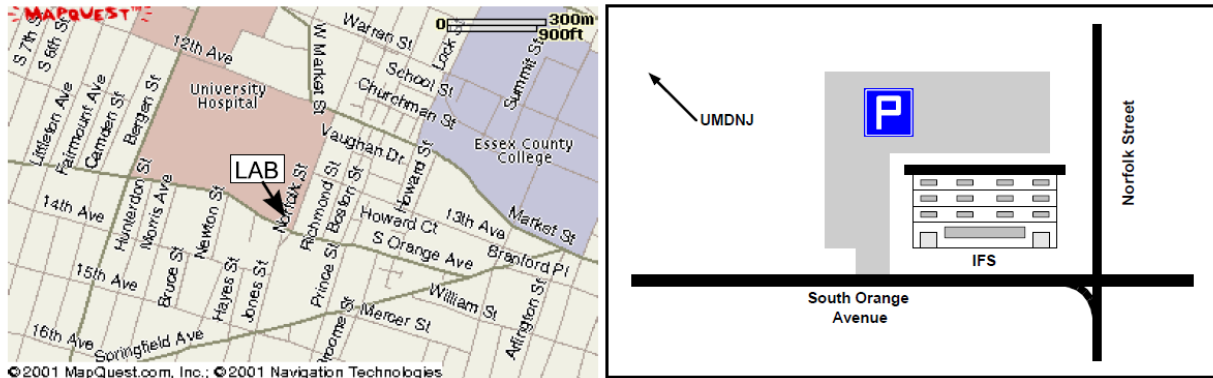
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

## ATTACHMENT E

Directions to



**State Toxicology Laboratory  
Edwin H. Albano Institute of Forensic Science (IFS)**  
325 Norfolk Street  
Newark, New Jersey  
973-648-3915

From Garden State Parkway North:

1. Take Exit 144, South Orange Avenue.
2. Make a right on South Orange Avenue.
3. Continue about 25 blocks to intersection at Bergen Street (UMDNJ campus is on left.)
4. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From Garden State Parkway South:

1. Take Exit 145, East Orange.
2. Take 1-280 East to first exit (Newark).
3. Make a right on First Street. This becomes Bergen Street.
4. Continue to fifth traffic light at South Orange Avenue.
5. Make a left.
6. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From New Jersey Turnpike North:

1. Take Exit 14, Newark.
2. After toll plaza, take 1-78 West (express or local).
3. Take Exit 56, Hillside Avenue.
4. Continue on Hillside Avenue to end at Avon Avenue.
5. Make left on Avon Avenue.
6. Continue one block to traffic light on Irvine Turner Blvd.
7. Make right on Irvine Turner Blvd. (which becomes Jones St.) and continue to traffic light at South Orange Avenue.
8. Turn left and enter first driveway on right behind two story brick building (IFS).

From New Jersey Turnpike South:

1. Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.
2. At the traffic light, make a left.
3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
4. Turn right and enter first driveway on right behind two story brick building (IFS).



*This Page Intentionally Left Blank For Double Sided Printing*