



OCEANPORT POLICE DEPARTMENT

OPERATING GUIDELINE

SUBJECT:

DRUG TESTING OF LAW ENFORCEMENT PERSONNEL

<i>NUMBER:</i>	<i>TYPE:</i>	<i>ISSUED:</i>	<i>EFFECTIVE:</i>	<i>DISTRIBUTION:</i>	<i>APPROVED BY:</i>
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I. PURPOSE: The purpose of this guideline is to establish a uniform policy and respective procedures for the implementation of mandatory drug testing, either in the case of reasonable suspicion, or random selection, for applicants for apposition as a Law Enforcement Officer within the Oceanport Police Department, Law enforcement Trainees, or those that have been hired by the Borough of Oceanport and the Oceanport Police Department who are currently enrolled in an approved New Jersey Police Academy, and all sworn members of the Oceanport Police Department. The Oceanport Police Department has a legal responsibility and management obligation to ensure a drug free and safe work environment; as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. This policy also seeks to ensure that the employment rights of individual Law Enforcement officers are safeguarded consistent with existing principles.

A requirement for employment must be an employee who is free from drug dependence, illegal drug use or drug abuse. Also, liability could be found against the Oceanport Police Department and the employee if the Oceanport Police Department fails to address and ensure that employees can perform these duties without endangering themselves, other officers, or the public. Finally, there is sufficient evidence to conclude that use of illegal drugs, drug dependence, and drug abuse seriously impairs an employee’s performance and general physical and mental health, places fellow employees at risk, and causes the public to lose confidence in the police to properly perform their duties.

II. POLICY:

It is the policy of the Oceanport Police Department to ensure that its members are free from illegal drug use. The critical mission of law enforcement justifies the maintenance of a drug-free work environment using a drug-testing program. It is the goal of this policy to prevent the hiring of those engaged in illegal drug use, deter illegal drug use by law enforcement officers, and to identify and remove those officers engaged in the illegal use of drugs.

The public has a right to expect that those who are sworn to protect them are always both physically and mentally capable of doing so. There is sufficient evidence to conclude that the illegal use of controlled dangerous substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and consequently their ability to protect and serve.

A. Definitions

- 1. APPLICANT:** A person who applies for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of criminal laws of this state and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.
- 2. CENTRAL DRUG REGISTRY:** This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement

applicants, trainees, and/or sworn officers who test positive for any of the substances delineated in this Directive, or the corresponding AG Directive, are to be reported and recorded.

3. **RANDOM SELECTION:** Random selection shall be defined as a method of selection in which each and every sworn member of the agency (EXCLUDING TRAINEES IN A POLICE ACADEMY AND SWORN OFFICERS ON EXTENDED SICK/INJURED LEAVE), Regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purpose of this directive, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
4. **SWORN OFFICER:** A person who is responsible for the enforcement of the criminal laws of this State, come under jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
5. **TRAINEE:** A person who is employed by the Oceanport Police Department and is subject to the Police Training Act while they attend a mandatory Basic Training course (Police Academy)

III. PROCEDURE

1. Types of Drug Testing

A. Applicants for a position in the Oceanport Police Department.

1. Applicants shall be required to submit a urine sample - at any time prior to appointment.
2. The Oceanport Police 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. Law Enforcement Trainees

1. Trainees will be required to submit to one or more urine specimens for testing 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 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.

Individual trainees shall 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, Chief of Police, or the Academy Director.

C. Sworn Law Enforcement Officers and Class II Special Law Enforcement Officers - Special Law Enforcement Officers

1. Urine specimens shall be ordered from a sworn Law Enforcement Officer or Class II Special Law Enforcement Officers when there exists reasonable suspicion to believe that the officer or employee is illegally using drugs. Urine specimens shall not be ordered without the approval of the County Prosecutor or the Chief of Police.
2. Urine specimens may be ordered from sworn Law Enforcement Officers or Class II Special Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection is defined as a method of selection in which each member of the Department, regardless of rank or assignment, has an equal chance to be selected each time a selection is conducted.
3. Urine specimens may 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.

2. Notification of Drug Testing Procedures

B. Applicants

1. Applicants applying for a position with Oceanport Police Department shall be notified that the pre-employment process will include drug testing. The notification shall indicate that a negative result is a condition of employment and that a positive result will result in the applicant being dropped from consideration for employment.
2. Applicants for Police Officer shall be notified that a negative result is a condition of employment and that a positive will: (a) result in the applicant being dropped from consideration for employment (b) cause the applicants 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 (2) years. In addition the notification will indicate that if the applicant is currently employed as a Law Enforcement Officer and the officer tests positive, the officer's employing agency will be notified of the

results and the officer will be terminated from employment and permanently barred from future Law Enforcement employment in New Jersey.

B. Trainees

1. Drug testing of trainees will be governed by the Police Academy the trainee is attending.
2. Positive results on the drug test will result in:
 - (a) the trainee's termination from employment.
 - (b) inclusion of the name in the Central Drug Registry maintained by the Division of State Police.
 - (c) The trainee being permanently barred from future law Enforcement in New Jersey.

C. Sworn Law Enforcement Officers/ Class II Special Law Enforcement Officer's: Reasonable Suspicion Testing

1. Individual Police officers and Class II Special Law Enforcement officers are required to submit to a drug test when there is reasonable suspicion to believe that the officer/employee is illegally using drugs.
2. Before an officer or employee is ordered to submit to a drug test, a written report shall be prepared which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor and/or the Chief of Police before a reasonable suspicion test may be ordered.
3. A negative test result is a condition of employment and a positive result will result in termination from employment. A positive result for a sworn officer will result in:
 - (a) Termination of employment
 - (b) Inclusion of the officer's name in the Central Drug Registry by the Division of State Police
 - (c) Permanently barred from future Law Enforcement employment in New Jersey.
 - (d) Any officer or employee who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs.

D. Sworn Law Enforcement Officers/Class II Special Law Enforcement Officers: Random Drug Testing.

1. All sworn officers and Class II officers of the Oceanport Police Department, regardless of rank or assignment, are eligible for random drug testing.

2. Random drug testing shall be conducted semi-annually. The dates of the selections shall be determined by the Chief of Police. Each selection shall result in testing of two (2) officer(s).
3. The Oceanport Police Department shall use a computer program which randomly selects the last 4 digits of an officer's social security number from its database.
4. All employees will have an equal chance to be selected for testing each time a selection takes place.
5. Members of the Employees Collective Bargaining Unit shall be permitted to witness the selection process.
6. Any member 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 shall be subject to disciplinary action.
7. Officers selected who are on Sick leave, Vacation, or other authorized leave will appear as soon as they return from approved leave.
8. Any officer, who refuses to submit to a drug test when randomly selected, is subject to the same penalties as those who test positive for illegal use of drugs. An 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.

3. Specimen Acquisition Procedures

A. Preliminary acquisition Procedures

1. The Internal Affairs Commander (Captain) or in his absence, the Internal Affairs Lieutenant or Sergeant, shall serve as monitor of the specimen acquisition process. In the event the Internal Affairs Commander is selected for testing the Chief of Police shall serve as monitor. When the Chief of Police is selected the Captain shall serve as monitor. The Chief of Police may designate another Internal affairs Officer to monitor applicant specimen collection.
2. 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 this department to monitor the specimen collection, a member of the same sex will be requested from another law enforcement agency to serve as monitor of the process.
3. The monitor shall be responsible for:
 - (a) Ensuring all documentation is fully and accurately completed by the individual submitting the specimen.

(b) The specimen shall be collected in the Department facilities. Only the monitor and the individual submitting the specimen shall be present.

(c) Chain of Custody procedures shall be followed. Only those directly responsible for collection and submission shall have contact with the submitted specimen.

(d) Ensure the confidentiality of those being tested.

4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment E) 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 2 D-8 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 B) 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. Prior to the submission of a specimen, an Officer shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Appendix E)

5 Trainees shall be governed by the Rules and Regulation of the Police Academy they are attending.

B. Monitor's Responsibility

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 using 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. 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. Specimen Collection

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. (appendix C)

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.

a. Urine color must be similar in color in both specimen containers. (if not similar in color, the specimen may be rejected by the lab)

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 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. Throughout the test process, the identity of individuals who have submitted specimens shall remain confidential. Individual specimens shall be identified throughout the process using social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.

4. 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.

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

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 G).

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.

F. Submissions of the specimens to the laboratory shall be accomplished by personnel designated by the Chief of Police, or the Captain of Police.

5. 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 State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:

- Amphetamine/Meth Amphetamine
- Barbiturates

- Benzodiazepine
- Cannabinoids/marijuana
- Cocaine
- Methadone
- Oxycodone/Oxymorphone
- Phencyclidine
- Opiates

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 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 B). 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.

G. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids.

6. 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.

7. 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.
- (2) The applicant shall be reported 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 in New Jersey for a period of two (2) years.
- (4) When 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 and submit their name to the Central Drug Registry maintained by the State Police.

B. When a trainee tests positive for illegal drug use:

- (1) The trainee shall be immediately dismissed from Basic Training and suspended from employment.
- (2) The trainee shall be terminated from the Department upon final disciplinary action.
- (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 Law Enforcement employment in New Jersey.

C. When a Sworn Officer / Class II Special Officer tests positive for illegal drug use:

(1) The Officer / Class II Special 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.

8. Consequences of 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.

9. Notification to County Prosecutor

A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the law enforcement agency's chief executive or a designee shall provide a confidential written notice to the

Professional Responsibility Unit of the Monmouth County Prosecutor's Office within 48 hours. Upon completion of any disciplinary action, each agency shall report the discipline to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office.

B. By December 31st of each year, every law enforcement agency shall provide written notice to Professional Responsibility Unit of the Monmouth County Prosecutor's Office of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

10. 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.

11. 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 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.

D. An entry will be generated in the Guardian Track software utilizing the heading Random Drug Testing or Applicant Drug Testing. This will include the date, officer selected, PBA representative observing the selection, who the monitors were and when the specimen was transported to the lab and by whom.

E. At the end of each year the Internal Affairs Commander, the Captain of police, or in his absence an Internal Affairs officer, shall complete the Monmouth County Prosecutors Office Statewide Random Drug Testing Report Form. This form shall be forwarded to the Prosecutors office by December 31st of each year. (See attachment G)

12. Central Drug Registry

A. The Chief of the Oceanport Police Department 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 G).

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

**Oceanport Police Department
Attorney General's Law Enforcement Drug Testing Policy**

DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of the pre-employment process, the

OCEANPORT 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



ATTACHMENT B

**Oceanport Police Department
Attorney General's Law Enforcement Drug Testing Policy**

**DRUG TESTING
MEDICATION INFORMATION**

To ensure the accuracy of established urine screening and confirmation procedures, I am providing the following information:

Check all that apply

Please **carefully** complete the information below.

all that apply:

A. During the past (30) days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			
4			
5			

B. During the past (30) days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-prescription Medications	Date Last Taken
1		
2		
3		
4		
5		
6		

C. During the past (30) days, I have taken **NO** prescription or non-prescription medications.

Social Security Number and Initials

Date

Signature of Witness

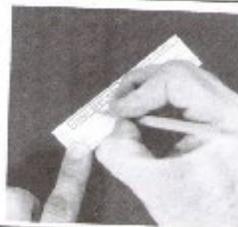
Date

ATTACHMENT **6**
New Jersey Law Enforcement Drug Testing

INSTRUCTIONS FOR USING THE DOX CONTAINER

- 1. The individual being tested fills out the plastic label, USE A NUMBER 2 PENCIL.

SOCIAL SECURITY NUMBER ONLY.
NO NAMES.



- 2. The individual places the label inside the container, printed side out.



- 3. The individual being tested will void into the container after the label has been put inside the container.

- 4. Place the filled bottle on the table. Push cap into the bottle using the palm of the hand, until it snaps into place.



- 5. Monitor must check the temperature tape. A reading between 90° and 100° F is acceptable.



CAUTION: The DOX Specimen Container System when used in collecting human urine for drugs of abuse testing is intended for invitro diagnostic use or for professional use only. Human urine samples should be handled and processed as though they are potentially infectious.

Attachment D

NEW JERSEY STATE TOXICOLOGY LABORATORY

325 NORFOLK STREET, NEWARK, NJ 07103-2701

Phone: (973) 648-3015 (Mon - Fri, 8:30 - 16:00) Fax: (973) 648-3790

Laboratory Receiving Hours: Monday - Friday, 8:30 - 14:00

LAW ENFORCEMENT DRUG TESTING CUSTODY AND SUBMISSION FORM

Submitting Agency: _____ County: _____

Address: _____

Agency Contact Person: _____ Phone: _____ Fax: _____

Refer to the back of the last page for detailed instructions on filling out this form.

Social Security Number	Initial Box for Steroid Testing	Test Basis	Temperature between 90° - 100°F?				Lab Use Only			
			Yes/No	Yes/No	Date Collected	Monitor Initials	Accepted	Tax Case #	#	
			Bottle A	Bottle B						
-----										1
-----										2
-----										3
-----										4
-----										5
-----										6
-----										7
-----										8
-----										9
-----										10

Test Basis:
A – applicant; T – trainee; OR – officer/random; RS – reasonable suspicion

Sealed Medication Forms
 received for all accepted specimens not received

Print _____ Signature _____

Agency Acknowledgment: _____

Delivered by: _____

Received by: _____



ATTACHMENT E

Oceanport Police Department
Attorney General's Law Enforcement Drug Testing Policy

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with (Department Name) _____, 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.

SUBJECT: **Drug Testing for Law Enforcement Personnel**

NUMBER: **OPD-118**

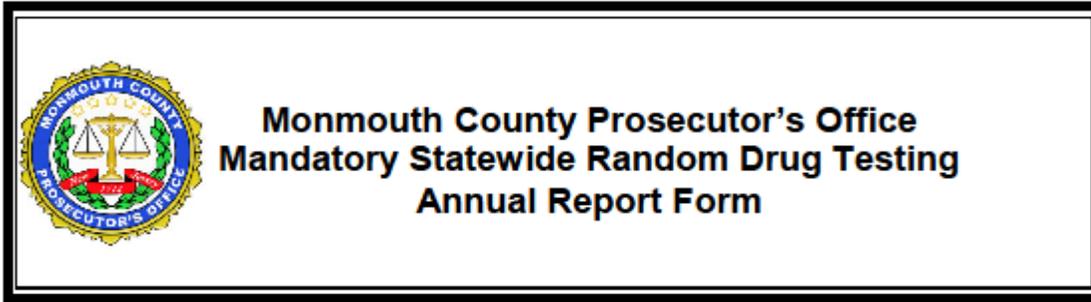
ATTACHMENT F

NOTIFICATION TO THE CENTRAL DRUG REGISTRY

AGENCY SUBMITTING			
AGENCY		PHONE	
ADDRESS	CITY	STATE	ZIP
CONTACT PERSON		TITLE	PHONE
PERSON TO BE ENTERED			
NAME		GENDER	RACE
EYE COLOR			
THIS PERSON WAS	<input type="checkbox"/> APPLICANT	<input type="checkbox"/> TRAINEE	
	<input type="checkbox"/> SWORN OFFICER- RANDOM	<input type="checkbox"/> SWORN OFFICER- REASONABLE SUSPICION	
ADDRESS			
CITY		STATE	ZIP
DOB	SSN	SRI NUMBER (IF KNOWN)	
REASON FOR NOTIFICATION			
THE PERSON LISTED ABOVE <input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE)			
OR			
<input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE			
DATE OF THE DRUG TEST OR REFUSAL		DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY	
<u>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</u>			
I hereby affirm that the above information is true and correct to the best of my knowledge.			
Print Name	Title	Signature	
Sworn and subscribed before me this _____ day of _____			
(Seal)			

Mail to: Division of State Police
 Records and Identification Section
 P.O. Box 7068
 West Trenton, New Jersey 08628-0068

Attachment G



DATE:	
AGENCY NAME:	
ADDRESS:	
NAME OF PERSON COMPLETING FORM:	
TITLE:	
TELEPHONE NUMBER:	
EMAIL ADDRESS:	

TESTING DATE(S):	TOTAL NUMBER OF SWORN OFFICERS EMPLOYED BY AGENCY AS OF DATE TESTING:	TOTAL NUMBER OF SWORN OFFICERS TESTED:	TOTAL NUMBER OF SWORN OFFICERS WHO TESTED POSITIVE:	TOTAL NUMBER OF SWORN OFFICERS WHO TESTED POSITIVE, BUT PROVIDED PROOF THAT SUBSTANCE WAS LAWFULLY PRESCRIBED: