

	<b>OCEANPORT POLICE DEPARTMENT</b>				
	<b>OPERATING GUIDELINE</b>				
	<i>SUBJECT:</i>	<b>DRUG TESTING OF LAW ENFORCEMENT PERSONNEL</b>			
<i>NUMBER:</i>	<i>TYPE:</i>	<i>ISSUED:</i>	<i>EFFECTIVE:</i>	<i>DISTRIBUTION:</i>	<i>APPROVED BY:</i>
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<b>02-22-23</b>	<b>IV A-1; IV D 1-3; IV E 2 a)-c); IV E 3 a)-b)</b>	<b>Chief of Police</b>			

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.

III. **Definitions**

A. **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.

- B. **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.
- C. **RANDOM SELECTION:** Random selection shall be defined as a method of selection in which 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 time a selection is conducted. (NOTE: For 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.)
- D. **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.
- E. **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)

#### IV. APPLICABILITY

##### A. Employment Status:

1. 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, The Oceanport Police Department is required to implement a random drug testing program for all sworn officers in the department. Further, the Oceanport Police Department 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 or is under the influence of a controlled dangerous substance or cannabis during work hours.

##### B. Applicant Testing

1. The Law Enforcement Drug Testing Policy recognizes that drug testing is a critical 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 to be engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
2. In addition, applicants for employment may be tested as many times as the Oceanport Police Department 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.
3. 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 Drug Testing Medication Information form should not be used at the applicant stage, unless a positive test result

requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.

#### C. Trainee Testing

1. 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.
2. 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 or is under the influence of a controlled dangerous substance or cannabis during work/training hours. 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 of Police, or the academy director.

#### D. Officer Testing

1. 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 Oceanport police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
2. 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 or is under the influence of a controlled dangerous substance or cannabis during work hours. 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.
3. 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.

#### E. Types of Testing

##### 1. Random Testing

- a) 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 twice in every calendar year.

- b) 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. Random drug testing cannot be implemented until the rule, regulation or procedure has been in effect for a minimum of 60 days.
- c) 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.
- d) 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

- a) The Oceanport Police Department must undertake drug testing when there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of a controlled dangerous substance or is under the influence of a controlled dangerous substance, including unregulated marijuana, or cannabis during work hours. 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.
- b) The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause. The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
  - 1) The nature and source of the information.
  - 2) Whether the information constitutes direct evidence or is hearsay in nature.
  - 3) The reliability of the informant or source.
  - 4) Whether corroborating information exists and the degree to which it corroborates the accusation; and,
  - 5) Whether and to what extent the information may be stale.
- c) The Oceanport Police Department must include in its rules and regulations a provision governing reasonable suspicion drug testing. Before the Chief of Police 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. The chief of Police who wishes to discuss whether the

information they possess is sufficient to conduct reasonable suspicion testing should contact the Monmouth County Prosecutor's Office for advice.

### 3. Reasonable Suspicion Testing for Cannabis Use

- a) Consuming or being under the influence of cannabis while at work or during work hours is strictly prohibited. Officers shall be tested for cannabis in the following situations:
  - 1) Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
  - 2) Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's duties.
- b) In the above situations, the drug test shall include a physical evaluation by a Workplace Recognition Expert (WIRE) to determine the officer's state of impairment and a urinalysis.

*NOTE: Until such time as the WIRE program is developed and WIREs are implemented in the respective police agencies, law enforcement shall refer to the interim guidance for reasonable suspicion testing for cannabis issued by the Cannabis Regulatory Commission. Available at:*

<https://www.nj.gov/cannabis/about/news-events/approved/20220907.shtml>.

## V. Notification of Drug Testing Procedures

### A. 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:

1. The Oceanport Police Department shall include in its rules and regulations as defined in N.J.S.A. 40A:14-118, 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 or is under the influence of a controlled dangerous substance or cannabis during work hours, as well as a provision that officers are subject to mandatory random drug testing pursuant to AG Directive 2018-2.
2. The Oceanport Police Department 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 for an illegal substance will result in the following:
  - 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.
3. The Oceanport Police Department 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.

## VI. Specimen Acquisition Procedures (See Appendix C)

### 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 solely 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 IX A 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.
  5. 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.
  6. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor.
  7. The donor shall date and initial the seal and write their unique identifier (Donor ID) on the envelope.
  8. 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)
  9. Trainees shall be governed by the Rules and Regulation of the Police Academy they are attending.

#### **I. 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 by use of the donor identification number (Donor ID). 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 split collection kits supplied 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 the Oceanport Police Department to contact the Laboratory to obtain the Split specimen kits and forensic Urine Testing Custody and Submission Forms (CSF). (APPENDIX C)
- 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.

## II. Urine Specimen Collection Procedures (See Appendix C)

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF). (Appendix C)
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all the items on a clean surface.
  - a) The specimen containers shall be kept closed/unsealed at this time.
  - b) The specimen collection containers and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes.
  - a) 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" box in the specimen collection section of

- the CSF. 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.
- b) 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)
7. The monitor instructs the donor to split the collection specimen into the specimen containers.
    - a) The donor opens both specimen containers and pours at least 30ml of urine from the collection container in the primary specimen container and at least 15 mil. Of urine from the collection container in the secondary specimen container.
    - b) The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
  8. The monitor instructs the donor to seal the specimen containers with temper-evidence seals from the CSF.
    - a) The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF (Appendix C) and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
    - b) The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF (appendix C) and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
    - c) After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
  9. The monitor prints his/her name, signs, and dates in the monitor/agency acknowledgement section of the CSF. (Appendix C)
  10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
  11. The monitor separates the white laboratory copy of the CSF, (Appendix C) folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
  12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
  13. Any remaining urine and the specimen collection container may be discarded.
  14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section V. Submission of Specimens for Analysis below).

### III. “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 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, 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.

#### **IV. Split Specimen**

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
  - a) The agency is notified by the 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. 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 second test laboratory by commercial courier also following accepted chain of custody procedures.
5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

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

1. 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

2. Urine specimens should be submitted to the State Toxicology Laboratory after emailing them for a requested delivery date. The lab shall be emailed at [Drug.testing@doh.nj.gov](mailto:Drug.testing@doh.nj.gov) after which the lab will send a reply and acknowledgment of the sent email listing a day/time for the delivery of the specimens. 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.
3. 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.
4. All specimens must be accompanied by the Forensic Urine Drug Testing Custody and Submission Form (CSF) 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.
5. 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.
  - a) The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - b) Notify the submitting agency in writing with the reason for rejection clearly.
6. Submissions of the specimens to the laboratory shall be accomplished by personnel designated by the Chief of Police, or the Captain of Police.

## VI. Analysis of Specimens

1. 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.

2. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
  - Amphetamine/Meth Amphetamine
  - Barbiturates
  - Benzodiazepine
  - Cocaine
  - Methadone
  - Oxycodone/Oxymorphone
  - Phencyclidine
  - Opiates
  - Marijuana/Cannabis (only to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g., pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion sections (IV-3-E a-b herein)
3. The State Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.
  - a) 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.
  - b) 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.
4. 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.
5. 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.
6. 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

references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused substances.

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

## **VII. Drug Test Results**

1. 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.
2. 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.
3. 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**

1. When an applicant tests positive for illegal drug use:
  - a) The applicant shall be immediately removed from consideration for employment.
  - b) The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police.
  - c) The applicant shall be precluded from consideration for future Law Enforcement employment in New Jersey for a period of two (2) years.
  - d) 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.
2. **When a trainee tests positive for illegal drug use:**
  - a) The trainee shall be immediately dismissed from Basic Training and suspended from employment.
  - b) The trainee shall be terminated from the Department upon final disciplinary action.
  - c) The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.

d) The trainee shall be permanently barred from Law Enforcement employment in New Jersey.

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

- a) The Officer / Class II Special Officer shall be immediately suspended from all duties.
- b) The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
- c) The officer shall be reported by his or her employer to the Central Drug Registry maintained by the Division of State Police.
- d) The officer shall be permanently barred from future law enforcement employment in New Jersey.

**IX. Consequences of Refusal to Submit to a Drug Test.**

1. 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.
2. 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.
3. 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. Notification to County Prosecutor**

1. 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.
2. 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.

#### **XI. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION**

1. 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.

#### **XII. Record Keeping.**

1. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
2. Each agency's drug testing records shall include but not be limited to:
  - a) All drug testing:
    - 1) the identity of those ordered to submit urine samples.
    - 2) the reason for that order.
    - 3) the date the urine was collected.
    - 4) the monitor of the collection process.
    - 5) 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.
    - 6) the results of the drug testing.
    - 7) copies of notifications to the subject.
    - 8) 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.
    - 9) or any positive result or refusal, appropriate documentation of disciplinary action.
  - b) Random drug testing, the records shall also include the following information:
    - 1) description of the process used to randomly select officers for drug testing.
    - 2) the date 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 tested; and
    - 5) the date(s) those officers were tested.
3. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

4. 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.
5. 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 31<sup>st</sup> of each year. (See attachment G)
6. All random drug testing policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website.

### **XIII. Central Drug Registry**

1. 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).
2. 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. (Attachment F)
3. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - a) Name and address of the submitting agency and contact person.
  - b) Name of the individual who tested positive.
  - c) Last known address of the individual.
  - d) Date of birth.
  - e) Social security number.
  - f) SBI number (if known).
  - g) Gender.
  - h) Race.
  - i) Eye color.
  - j) Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample.
  - k) Date of the drug test or refusal.
  - l) Date of final dismissal or separation from the agency; and
  - m) Whether the individual was an applicant, trainee or sworn law enforcement officer.
4. The certification section of the notification form must be completed by the chief or director and notarized with a raised seal.
5. 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

6. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
  - a) In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
  - b) 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, positive test results 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

<b>OCEANPORT POLICE DEPARTMENT</b>		<b>OPERATING GUIDELINE</b>	
<i>SUBJECT:</i>	<b>Drug Testing for Law Enforcement Personnel</b>	<i>NUMBER:</i>	<b>OPD-118</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 either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs or am under the influence of a controlled dangerous substance or cannabis during work/training hours.

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 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 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.

Check all that apply.

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			
4			
5			

**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 Medications	Date Last Taken
1		
2		
3		
4		
5		
6		

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

\_\_\_\_\_  
Donar ID and Initials

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date





NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing

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 completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).

**AGENCY INFORMATION** AGENCY MUST COMPLETE ALL INFORMATION IN BLUE SHADED AREAS USING BLACK OR BLUE INK ONLY. PRESS HARD – YOU ARE MAKING MULTIPLE COPIES

Submitting Agency: \_\_\_\_\_ County: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**DONOR IDENTIFICATION** **CONTROL No.**

LEDT Donor ID (19 digits)										 000020226
Agency ORI Number					Donor DOB (mmddyy)			Donor Last 4 Digits of SSN		
Non-LEDT Donor ID (10 digits)										

**TEST INFORMATION**

Test Type:  LEDT (Law Enforcement Drug Testing)  non-LEDT (Workplace/School/Sport)  Other \_\_\_\_\_  
(check one box only)

Test Basis:  Applicant  Trainee  Random  Reasonable Suspicion  Return to Duty  Other \_\_\_\_\_  
(check one box only)

Test Requested:  9 Drug Panel  Anabolic Steroid (additional fee)  Other (additional fee)

3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.

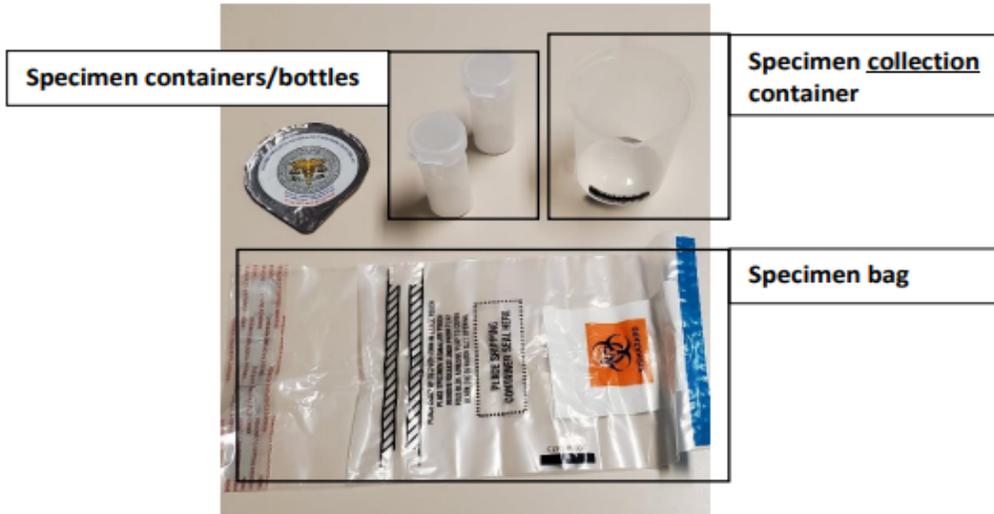


APPENDIX C



NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing

- 4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.



- a. The specimen containers shall be kept closed/unsealed at this time.
  - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- 5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.

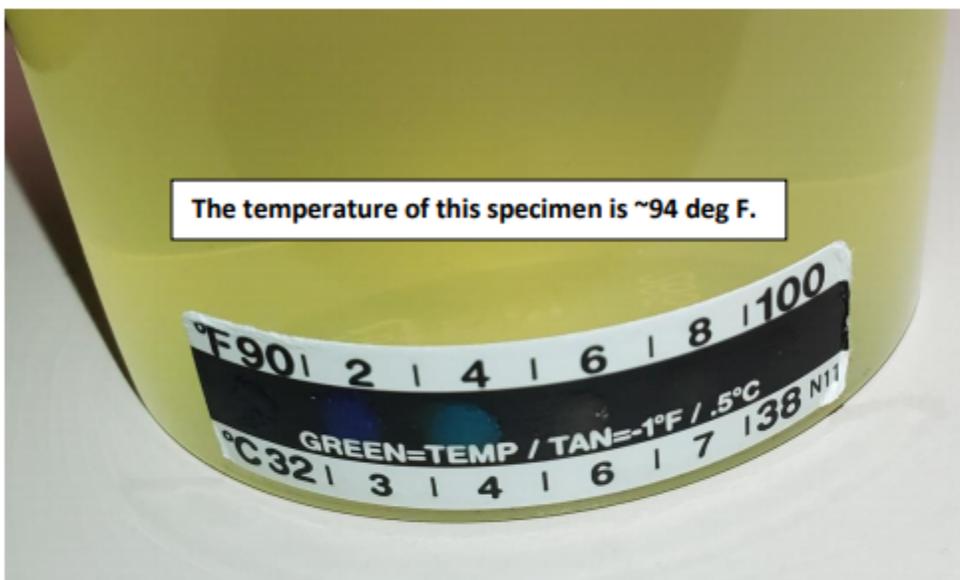


Appendix C



NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing

- 6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.



- a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. 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.

SPECIMEN COLLECTION	
Read urine specimen temperature within 4 minutes. Is temperature between 90° and 100°F?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Enter Remarks _____	

- b. 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).

APPENDIX C



**NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing**

- 7. The monitor instructs the donor to split the collected specimen into the specimen containers.
  - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.



**Bottle A (primary container)  
minimum volume 30 mL**

**Bottle B (secondary container)  
minimum volume 15 mL**

- b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.

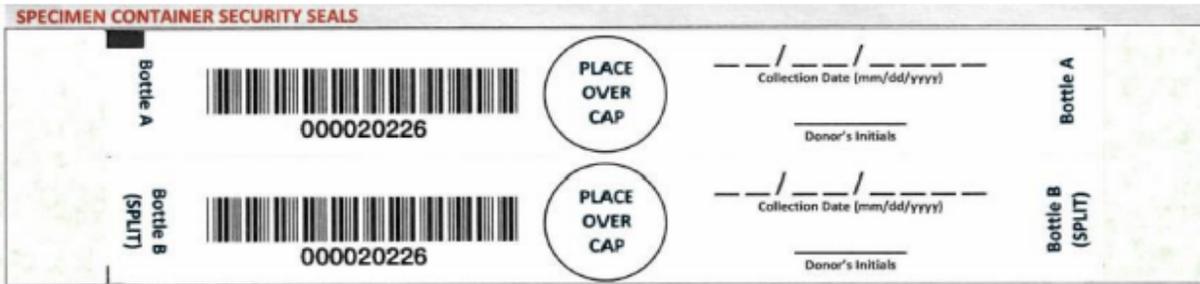


Appendix c

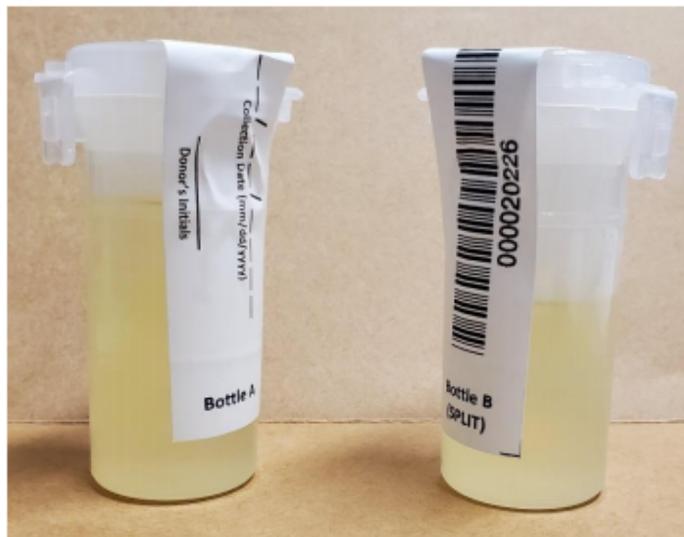


**NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing**

8. The monitor instructs the donor to seal the specimen containers with tamper-evidence seals from the CSF.



- a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
- b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).



APPENDIX C



NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing

- c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.



- 9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.

MONITOR/AGENCY ACKNOWLEDGEMENT

I certify that the specimen given to me by the donor identified above was collected, labeled, sealed, packaged, stored and released for delivery to the NJ State Medical Examiner Toxicology Laboratory in accordance with the NJ Attorney General's Law Enforcement Drug Testing Policy. The Submitting Agency hereby acknowledges that it maintains chain of custody documentation to ensure the integrity of each specimen. That documentation is maintained in a secure, designated area at our central office and is maintained by procedures designed to ensure confidentiality and individual privacy. Said documentation will be provided upon request.

(PRINT) Monitor's Name (First, MI, Last)

Monitor's Signature

Collection Date

APPENDIX C

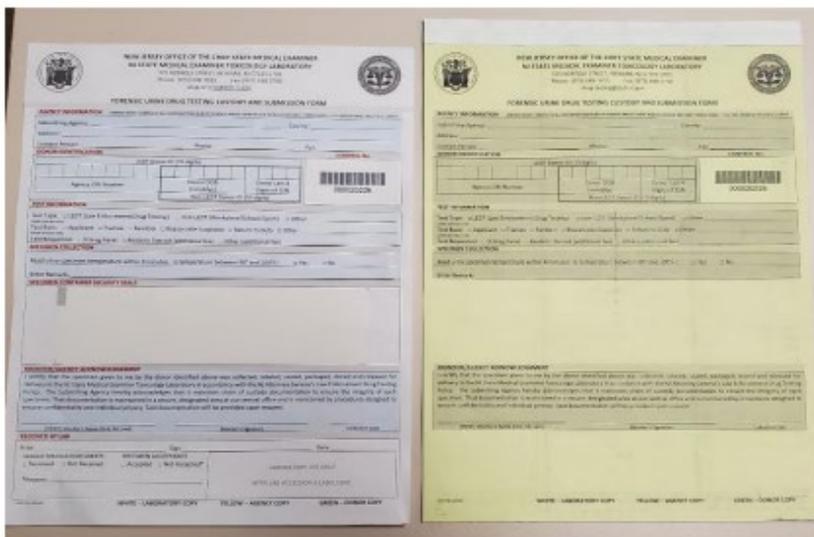


NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing

- 10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.



- 11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.



## APPENDIX C



**NJ Medical Examiner Toxicology Laboratory  
Law Enforcement Drug Testing**

12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.



13. Any remaining urine and the specimen collection container may be discarded.

14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section V. Submission of Specimens for Analysis below).

## APPENDIX C



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.

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

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

**ATTACHMENT F**

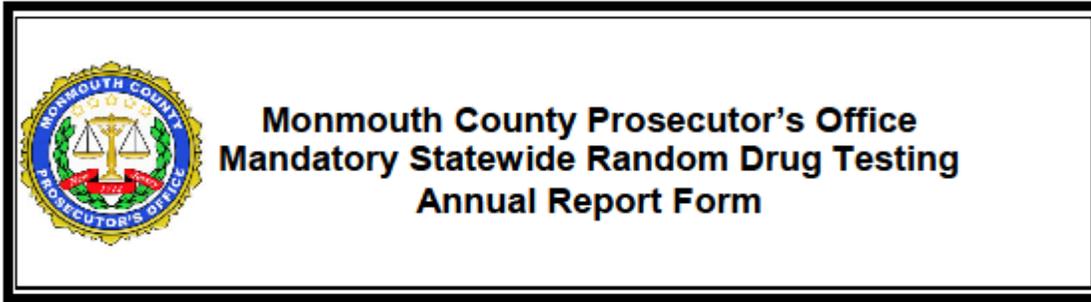
**NOTIFICATION TO THE CENTRAL DRUG REGISTRY**

<b>AGENCY SUBMITTING</b>			
AGENCY		PHONE	
ADDRESS	CITY	STATE	ZIP
CONTACT PERSON		TITLE	PHONE
<b>PERSON TO BE ENTERED</b>			
NAME		GENDER	RACE
EYE COLOR			
THIS PERSON WAS <input type="checkbox"/> APPLICANT <input type="checkbox"/> TRAINED <input type="checkbox"/> SWORN OFFICER-RANDOM <input type="checkbox"/> SWORN OFFICER- REASONABLE SUSPICION			
ADDRESS			
CITY		STATE	ZIP
DOB	SSN	SRI NUMBER (IF KNOWN)	
<b>REASON FOR NOTIFICATION</b>			
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	
<b>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</b>			
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

APPENDIX F

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: