



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT:
RANDOM DRUG TESTING

GENERAL ORDER NO.
99-04 (REVISED)

SUPERCEDES:
January 29, 2021

DATED:
May 26, 2022

SECTION CODE:
N-11

I. Introduction

The Newark Police Division has a legal and managerial obligation to maintain a safe work environment for its employees, and a paramount duty to protect the public. The professional responsibility and integrity of any law enforcement agency demands that its sworn employees refrain from the unlawful use, manufacture, possession and distribution of controlled dangerous substances. The possession of unlawful drugs is a criminal offense subject to punishment through State statute, but it is a separate and far more dangerous predicament to perform safety-effective functions while under the influence of controlled dangerous substances.

The concerns about illegal drug use by police officers are not simply hypothetical. The New Jersey Attorney General has provided conclusive evidence that police departments generally have not been immune from drug use that has affected other workplaces. Moreover, drug use is difficult to address because officers frequently function independently and are exposed to illegal drug activity.

The mission and characteristics of policing are unique and require extraordinary assurances of honesty, trust and integrity. Employees should expect reasonable inquiry into their physical fitness for such positions and cannot expect to keep information from the department that bears directly on their fitness and performance of duties. Policing is a profession that is regulated pervasively to ensure safety on the health and fitness of its members. Of particular importance, is that officers perform their duties independently and professionally.

II. Policy

It shall be the policy of the Newark Police Division to maintain a drug testing policy that governs employees, trainees and applicants regarding the use of controlled dangerous substances. All Division members shall not possess or use any controlled dangerous substances, whether on or off duty, unless the drug has been legally prescribed to the employee by a physician licensed to practice in the State of New Jersey.

III. Purpose

The purpose of this policy is to ensure the safety and welfare of its employees and the public by creating a drug free work environment. Administering random unannounced drug testing will ensure the integrity of the members of the Newark Police Division.



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IV. Definition of Terms

- A. **Controlled Dangerous Substance** – is defined as the meaning assigned by 21 U.S.C. 802 and includes substances listed on Schedules I through V as they may be revised periodically (21 CFR 1301-1316), illicit drugs, drugs that are required to be distributed only by a medical practitioner's prescription or other authorization, and certain preparations for which distribution is documented through over-the-counter sales.
- B. **Drugs** – is defined as any substance (other than alcohol) that is capable of modifying or altering mental, physical or emotional behavioral functions in humans specifically including any psychoactive substances and including, but not limited to, controlled dangerous substances and their metabolites such as amphetamines, methamphetamine, barbiturates, benzodiazepines, cocaine, hallucinogens, methadone, narcotics, opiates, propoxyphene, cannabinoids, methaqualone, phencyclidine, sedatives and stimulants.
- C. **Drug Test** – is defined as a laboratory analysis used to detect the presence of a specific substance.
- D. **Eligibility Group** – is defined as a designated percentage of all sworn members of the Newark Police Department randomly selected, regardless of rank, scheduled to work (regular or overtime) in a specific 24-hour period, except those employees classified as follows:
1. Maternity Leave
 2. Indefinite Suspension
 3. Leave of Absence for more than thirty (30) consecutive days
 4. Sick or Injured Leave for more than thirty (30) consecutive days
 5. Military Leave for more than thirty (30) consecutive days

Personnel shall be tested on the first business day they are working if classified as follows:

1. Funeral Leave
 2. Convention Leave
 3. Regular Vacation Bracket
 4. Leave of Absence (military/training/other) for thirty (30) days or less
 5. Sick or injured for thirty (30) days or less
 6. Regular Day Off
- E. **Frequency and Number of Officers to be Tested** – The Public Safety Director shall delineate the frequency and number of officers to be selected for random drug testing. At a minimum, random drug testing shall be conducted at least twice in every subsequent



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- calendar year. At least (10 %) of the total number of sworn officers within an agency shall be randomly tested each time.
- F. **Indefinite Suspension** – is defined as a suspension from duty that occurs before final disciplinary disposition and continues for an indefinite period of time.
- G. **Leave of Absence** – is defined as official permission, authorized by the Public Safety Director and/or approved by the Mayor through an Executive Order, to be absent from work or duty for a specified period of time.
- H. **Maternity Leave** – is defined as a leave of absence during pre- and post-parturition for a specified period of time. The tenets of maternity leave shall be governed by Newark Police Division Rules and Regulations (6:7 Pregnancy Disability).
- I. **Military Leave** – is defined as a leave of absence for a member of the Organized Reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, or United States Marine Corps Reserve or other affiliated organization. The tenets of military leave shall be governed by Newark Police Division Rules and Regulations (6:8 Military Leave) and all applicable statutes.
- J. **Notification** – is defined as the act of making known to sworn members of the division that they have been selected for drug screening pursuant to this policy. Notification may be achieved by telephone, in writing or through personal communication.
- K. **Random Test Selection** – is defined as a method of selection in which every member of the eligibility group, regardless of rank or assignment, has the same or equal chances or probability of occurrence to be selected for a drug test every time a Random Test Selection is conducted.
- L. **Refusal** – Refusal is defined as any unjustified failure or declination by the person being tested to produce an adequate specimen after being notified that they are the subject of a drug screening pursuant to this policy. Refusing to accept notification or engaging in any conduct that obstructs the testing process also constitutes refusal within the meaning of this policy. Such conduct includes, but is not limited to, feigning illness before or after notification or rendering oneself unavailable before or after notification.
- M. **Safety Sensitive Function** – is defined as the entitlement to carry a firearm as prescribed New Jersey statute (2C:39-6).
- N. **Supervisors** – Sworn employees assigned to positions having oversight, charge, or direction of the performance of subordinate employees or a work element.



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- O. **Suspension** – is defined as the act of temporarily denying an employee the privilege of performing their duties as a consequence of alleged violation/s of Division rules, regulations, policy, or violation/s of laws. The tenets of suspension shall be governed by Newark Police Division Rules and Regulations (Chapter 18 Rules of Discipline).
- P. **Sworn Personnel** – All personnel commissioned into the Newark Police Division as sworn law enforcement officers.
- Q. **Workplace** – Any location, including but not limited to, equipment, garages, district police stations, offices, vehicles, buildings, grounds or facilities, whether or not owned, leased, or operated by the City of Newark, where Newark City business is conducted or where Newark Police Division job duties are performed.

V. **Standard of Conduct**

- A. **Prohibited Behaviors** – As a condition of employment, all sworn Newark Police Division personnel are prohibited from the following behavior:
 - 1. Being impaired or under the influence of a drug or alcohol while on-call, while reporting for or on-duty; while in the workplace; while in recognizable Newark Police uniform; while conducting business for or representing the Newark Police Division.
 - 2. Using a controlled dangerous substance at anytime, whether on duty or off duty, except when prescribed by a physician.
 - 3. Unlawfully possessing, distributing, dispensing or manufacturing a controlled dangerous substance at any time.
- B. **Behavior Constituting Refusal** – Behavior that constitutes a refusal includes, but is not limited to:
 - 1. Tampering with any specimen, (e.g., through substitution, dilution or adulteration) or testing equipment in order to prevent, hinder or obscure a valid test;
 - 2. Failing to provide an adequate sample;
 - 3. Failing to report to the collection site at the designated time;
 - 4. Failing to complete any and all documents or questionnaires associated with the drug sample process;



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5. Refusing to provide a specimen;
6. Resigning or retiring and refusing to submit a specimen after receiving a lawful order to submit a specimen for testing.

VI. Testing Processes

A. Random Selection

1. The random selection of employees shall be accomplished through a computer-based random number generating system, where a random number is matched to a designated employee number.
2. The Office of Professional Standards shall be responsible for conducting the random test selection. At a minimum, random drug testing shall be conducted at least twice in every calendar year. The authorization dates for random testing shall be made by the Public Safety Director.
3. At least 10% of the total number of sworn officers within an agency shall be randomly tested each time. This minimum may be increased at the discretion of the Public Safety Director.
4. A representative from the bargaining unit may be present, if desired, to witness the selection.
 - a. The Office of Professional Standards shall notify the bargaining unit one (1) hour in advance of the selection process and document it.
 - b. If the bargaining unit representative is not present, a supervisor from Professional Standards shall document the representative is not present.
5. Once a member has been identified for random testing, or the fact that a random selection is scheduled to take place, all information shall remain confidential. Under no circumstances shall the member's identity or the testing schedule be divulged once a determination has been made to conduct a selection and members have been randomly selected. There is no entitlement to the selected member's names, social security numbers, employee numbers or testing schedule. A breach of this confidentiality shall be grounds for major disciplinary action.

No notes, recordings or records listing the officer's names, numbers or any other identifiers of the selected officers shall be created or transmitted by the bargaining unit representatives.



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B. Notification Process

1. Once an individual has been identified for testing, the Office of Professional Standards shall make the notification.
2. Notification shall be completed as it is listed below:
 - a. Employees who are scheduled to work or who are actively working on the day the test is scheduled shall be notified by telephone, in writing or in person and directed to respond to the designated place, time and date.
 - b. Read the following statement verbatim by telephone or in person:

“This is _____ (Identify yourself) _____ of the Office of Professional Standards. Is this _____ officer’s name _____? What is your identification number? What is your Social Security number? You have been selected to take part in a random drug test. You are hereby ordered to report to _____ (Specify the place, date and time) _____ for a drug test. If you fail to report to (Specify place), or if you fail to cooperate with the testing process, your actions will be considered a refusal; refusal is grounds for immediate suspension pending a disciplinary hearing where termination may be recommended. This is your official notification. Thank you.
 - c. Instances where a notification conflicts with an officer’s obligation of answering a subpoena, the officer shall report to (specify place) as ordered, upon completion of court regardless of the time.
 - d. Notification of a drug test shall supersede instances of previously issued orders by other superior officers that may cause a conflict.
 - e. Complete the Random Drug Notification Form.
3. Personal notification may be by telephone, in writing or in person by a supervisor from the Office of Professional Standards.
 - a. When a notification is successful, the Office of Professional Standards shall indicate the time of notification on the Random Drug Notification Form.



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- b. When a notification is unsuccessful, the Office of Professional Standards shall indicate the time for each attempt, until successful, on the Random Drug Notification Form.
 - c. All telephone notifications shall include the telephone number which the notification was made from.
 - d. The results of the notification shall be delivered to the monitor on the day of the test, where it shall become part of the permanent file.
4. The Commander of the Communications Division shall ensure the telephone recordings of all notifications are maintained for six (6) months.

C. Specimen Acquisition Process and Monitoring

1. Preliminary Acquisition Procedures

- a. Specimens shall be collected at a facility designated by the Public Safety Director.
- b. The Office of Professional Standards shall be present for monitoring purposes of each specimen acquisition to ensure the integrity of the collection process.
- c. Individuals shall submit a specimen without the direct observation of the monitor, unless there is a reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the testing process. Prior to direct observation, the facts underlying the belief that an individual may adulterate the specimen or otherwise compromise the integrity of the testing process shall be documented.
- d. The monitor shall always be of the same sex as the member tested. If there are no members of the same sex available from within the Division to serve as a monitor, the Division may request a same sex member of a neighboring law enforcement agency or the Prosecutor's Office be provided to serve as a monitor. The official monitor shall also ensure the following:
 - i. Precautions are taken to prevent a specimen from being adulterated or diluted during the collection procedure.



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- ii. Specimens are collected in a manner that provides for individual modesty and privacy while ensuring the integrity of the specimen, unless there is reason to believe that a particular individual may alter or substitute the specimen. The following circumstances are the only grounds constituting a reasonable belief that an individual may alter or substitute a specimen:
 - a. The employee presented a specimen that falls outside the normal temperature range (90 to 100° Fahrenheit) and either the employee declines to provide a measurement of oral body temperature by sterile thermometer, or the oral body temperature varies by more than 1.8° Fahrenheit from the temperature of the specimen;
 - b. The monitor observes conduct that clearly and unequivocally indicated an attempt to substitute or adulterate the specimen;
 - c. The last specimen provided by the employee, on a previous occasion, was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2g/l.
- iii. Information on the specimen bottle and all associated documents can identify the individual from whom the specimen was collected.
- iv. Inspect for accuracy, prior to the time of providing a specimen, all written submissions such as identification numbers, labeling requirements, lab analysis request forms etc.
- v. All individuals shall wash their hands; remove their duty belt and outer jacket prior to submitting a specimen.
- vi. Ensure the water in the toilets and urinals are chemically treated with a commercially available coloring agent (e.g. TY-D-Bowl, Sani Flush), prior to individuals using bathroom facilities.



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- vii. A chronological record of the designated identification numbers and arrival times of each individual are maintained as they appear for testing.
- e. Prior to the submission of a urine specimen, all sworn officers shall execute the 'Officer Notice and Acknowledgement' form, (Attachment A). This form shall advise the officer that a negative result is a condition of employment and that a positive result will result in consequences outlined in Section IX, 'Drug Test Results'. The form also advises the officer that the refusal to participate in the test process in any way carries the same penalties as testing positive.
- f. Sworn officers shall also complete the 'Drug Testing Medication Information' form, (Attachment B). Officers shall be required to list all prescription medications, non-prescription (over-the-counter) medications, dietary supplements and nutritional supplements that were ingested over the past fourteen (14) days. The form shall be placed in an envelope and sealed by the donor. The donor shall date and initial the envelope.

2. **Monitor's Responsibilities**

- A. The monitor of the specimen acquisition shall be responsible for the following:
 - 1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 - 2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of donor identification numbers, (donor's ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
 - 3. Complying with the chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.



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4. Specimens shall be collected utilizing split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of the Office of Professional Standards to contact the Laboratory to obtain the *Split Specimen Kits* and *Forensic Urine Drug Testing Custody and Submission Forms (CSF)*.
5. Individuals shall submit a specimen without the direct observation of the monitor, unless there is a reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the testing process. Prior to direct observation, the facts underlying the belief that an individual may adulterate the specimen or otherwise compromise the integrity of the testing process shall be documented.
6. Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.

3. Specimen Collection Procedures

- A. Throughout the test process, the identity of the individual shall remain confidential. Individual specimens shall be identified throughout the process by use of the social security number, (SSN) or Division identification number. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
- B. Specimens shall be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
 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).
 3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.



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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.
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 degrees and 100 degrees 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.
 - b. If the monitor reasonably suspects a specimen was tampered with or otherwise altered, he/she shall immediately notify the commander of the Office of Professional Standards.
 - c. An 'Investigation of Personnel' shall be immediately commenced. The monitor shall be prepared to fully document what led to the reasonable belief of the altered/tampered specimen.
7. The monitor instructs the donor to split the collected specimen into the specimen containers.



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- 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.
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).
 - c. After the seals are placed on the specimen containers, the donor writes the collection date and his/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 to the CSF.
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.
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.



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14. The monitor will take possession of the sealed specimen bag and ensure that it is promptly delivered to the NJ State Medical Examiner Toxicology Laboratory.
- C. When a donor is initially unable to produce an adequate specimen, “shy bladder”, the monitor must take the following steps:
 1. The donor shall remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 2. Allow the donor to drink up to 40 ounces of fluids over a period of three (3) hours.
 3. Under no circumstances should multiple voids be combined to produce an adequate sample.
 4. If a donor remains unable to produce a specimen after a reasonable period of time, the donor may be examined by an authorized NPD physician to determine whether the inability to produce the specimen was the result of a medical or physical illness or constitutes a refusal to cooperate with the drug testing procedures.
 5. Professional Standards shall maintain a copy of the laboratory chain of custody form.

4. **Split Specimen**

- A. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested. The first specimen will not be retested.
- B. The split specimen will be maintained at the State Toxicology Laboratory for a minimum of one year following the receipt of a positive drug test result.
- C. The split specimen will be released by the Lab under the following circumstances:
 1. The NPD is notified by the State Toxicology Lab that the first specimen tested positive for a controlled substance;



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2. The NPD notifies the donor that the first specimen tested positive for a controlled substance; and
 3. The NPD is informed by the donor (with a positive test) that he/she wishes to challenge the test results.
- D. The donor must choose a certified Laboratory from a list maintained by the State Toxicology Lab. The donor is required to pay all costs associated with the second specimen testing.
1. The State Toxicology lab maintains an up-to-date list of all certified laboratories, and will furnish same upon request.
- E. A representative of the second test laboratory may take possession of the split sample in person or the split sample may be sent to the laboratory by pre-paid tracking mail following accepted chain of custody procedures.
- F. The independent laboratory will report the results of the second specimen testing to the donor and to the NPD.

VII. Submission and Analysis of Specimens

A. Submission

1. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be the sole facility for purposes of analyzing specimens.
2. Specimens should be submitted to the State Toxicology Laboratory within twenty-four (24) hours of acquisition. In the event the specimen cannot be delivered within such a time, the specimen shall be stored in a controlled-access refrigerated storage area until submission. All submissions shall be in-person by a member of the Office of Professional Standards.

B. Analysis

1. The Fluorescence Polarization Immunoassay- Therapeutic Drug Test (FIA-TDX) and Thin Layer Chromatography (TLC) will be used as initial drug testing procedures.
2. Gas Chromatography/Mass Spectrometry (GCMS) technique is used to confirm all positive results of the initial drug testing.



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3. In the event a specimen is confirmed to be positive for a controlled dangerous substance, following the gas chromatography/mass spectrophotometry (GCMS) technique, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the result. The medical review officer may direct the Newark Police Division to obtain further information from the member concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the outcome of the test result, the medical review officer shall issue a report indicating the specimen tested positive.
4. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. Amphetamine/Methamphetamine;
 - b. Barbiturates;
 - c. Benzodiazepine;
 - d. Cocaine;
 - e. Cannabinoids;
 - f. Methadone;
 - g. Phencyclidine;
 - h. Opiates
 - i. Oxycodone/Oxymorphone
5. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include, but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

VIII. Drug Test Results

- A. The State Toxicology Laboratory shall notify the Newark Police Division of any positive test results from the specimens submitted for analysis. All reports shall be in writing and sent within fifteen (15) working days of the submission of the specimen(s).
- B. The State Toxicology Laboratory shall not report a specimen having tested positive for a controlled dangerous substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.



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- C. All employees who are tested and confirmed to be positive for the presence of illegal drugs shall:
 - 1. Be notified by the Office of Professional Standards as soon as possible after notification is received from the laboratory;
 - 2. Upon request be provided with a copy of the laboratory report;
 - 3. Be given the option to challenge a confirmed positive result by submitting a request to the Public Safety Director, within five (5) days of notification of the positive reading;
 - 4. Be suspended from duty, without pay, pending a disciplinary hearing. Upon a final disciplinary hearing, with a disposition of termination, be terminated from employment with the Newark Police Division and barred from future law enforcement employment in New Jersey;
 - 5. Be reported to the Central Drug Registry on the 'Notification to the Central Drug Registry' form, (Attachment C), which is maintained by the Division of the State Police.
- D. Under no circumstances shall the Newark Police Division or a Division member with a positive test result ask the Laboratory to conduct additional analysis of a specimen that has already been analyzed.
- E. The result(s) of drug testing shall remain confidential. No member of the Newark Police Division shall release any records or details, only upon request of a court order. In this instance, only Legal Affairs shall accept the request.

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

- A. Sworn officers, regardless of rank who refuse to submit to a drug test ordered in response to a random drug test shall be immediately suspended from duty.
- B. Upon a finding that the officer did in fact refuse to submit to a sample, the officer shall be terminated from the Police Division and permanently barred from future law enforcement employment in New Jersey.
- C. In addition, the Police Division shall forward the name of the refusing officer to the Central Drug Registry, noting that the officer did, in fact refuse to submit a urine sample.



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- D. It shall be noted that if an officer has no valid reason for not producing a specimen upon order to do so, the officer's actions shall be considered a refusal.

X. Responsibilities of the Office of Professional Standards

Except for the selection of the percentage of personnel to be tested, the Office of Professional Standards shall serve as the official monitor.

- A. The Commander of the Office of Professional Standards shall ensure all records relating to drug screening are maintained and secured to prevent unauthorized access.
- B. Each record shall include, but not be limited to, the following information;
1. The identity of individuals selected and why they were selected;
 2. The identity of individuals tested and why they were tested;
 3. A description of the process used to randomly test officers;
 4. The date, time, location of the test and a copy of the document listing the identities of those selected for testing;
 5. The identity of the monitor(s);
 6. A complete record of the chain of custody;
 7. The results of the test;
 8. Copies of notification to the individual;
 9. The chain of custody of the samples from the time of collection until the time they were received at the State Toxicology Laboratory;
 10. A list of those who are actually tested;
 11. For a positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 12. For any positive result or refusal, appropriate documentation of disciplinary action.



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- C. Security of drug test records shall be maintained with a high level of confidentiality.
- D. The Central Drug Registry of the Division of State Police shall be notified when a positive test result is confirmed by the State Toxicology Laboratory or when an individual refuses to submit to drug testing and is terminated upon final disciplinary action. Notifications to the Central Drug Registry shall include the following information for each individual:
 - 1. Name and address of the Newark Police Division and a contact person;
 - 2. Name, address, date of birth, social security, SBI number (if applicable), gender, race and eye color of the individual who tested positive;
 - 3. Substance the individual tested positive for or the circumstances surrounding the refusal;
 - 4. Date of the test or refusal;
 - 5. Date of final dismissal or separation from the Newark Police Division and whether the individual was an applicant, trainee or a sworn law enforcement officer;
- E. Notifications to the Central Drug Registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry
PO Box 7068
West Trenton, NJ 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 law enforcement agency concerning an application for law enforcement employment.
 - 2. In response to court order.

XI. Notification of the County Prosecutor

- A. In the event of (1) a positive drug test by a division member, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer,



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the Public Safety Director or a designee shall provide a confidential written notice to the County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.

- B. By December 31st of each year, the Newark Police Division shall provide written notice to the County Prosecutor or his/her designee 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.

XII. Public Accessibility and Confidentiality

- A. The Newark Police Division shall make all random drug testing policies available to the public upon request and policies shall be posted on the City of Newark (Agency) Website.

XIII. Individual Responsibilities

- A. All members of the Division are reminded of their continuing obligation under Newark Police Division Rules and Regulations to conduct themselves with a professional demeanor throughout the testing process. Described conduct is further outlined in Rules and Regulations Chapter 3 (General Conduct), Chapter 5 (Standards of Conduct) and Chapter 18 (Rules of Discipline).
- B. All members of the Division shall ensure their Recall Cards display current information as required by General Order 70-2 (Emergency Recall Card File).

XIV. Responsibility for Compliance

Supervisory and Command Officers are responsible for the understanding and enforcement of this Order.



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XV. Effect of this Order

All previous Orders and sections of the Newark Police Division Rules and Regulations which are inconsistent with this Order are hereby rescinded and repealed.

By Order of:



BRIAN A. O'HARA
PUBLIC SAFETY DIRECTOR

BAO/dd

C: Lee Douglas III, Chief of Police
Cross Reference General Order 89-2, Drug Screening Policy