


<h1>Sea Girt Police Department</h1>			
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Subject: <b>Drug Screening Guidelines</b>			
Effective Date: <b>3/5/2018</b>	Latest Revision Date: <b>3/3/2021</b>	Accreditation Standards: <b>NJ 1.3.3</b>	
By the Order of: <b>Chief Justin E. Macko</b>			

**PURPOSE:**

The purpose of this policy is to establish procedures consistent with the guidelines established by the Attorney General of the State of New Jersey and the Monmouth County Prosecutor regarding drug testing of employees of the Borough of Sea Girt Police Department.

**POLICY:**

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

The police profession has several uniquely compelling interests that justify the use of drug testing. The public has a right to expect that those who protect them are at all times both physically and mentally prepared to perform these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse, will seriously impair an employee’s physical and mental health, and thus, their job performance.

Where police officers or police employees participate in improper drug use and drug activity, the integrity of the police profession and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the department and to preserve public trust and confidence in a fit and drug free police profession, this department has instituted a drug testing program to deter prohibited drug use by all sworn and non-sworn personnel.

Although this policy normally applies to applicants, recruits and in-service sworn personnel, sufficient inferences can be drawn to apply certain provisions of this SOP to non-sworn police personnel in the area of reasonable suspicion drug testing or fitness for duty drug testing.

The rules and regulation adopted by the appropriate authority prohibit employees to appear for or be on duty under the influence of drug or be unfit for duty while under the influence of drugs. Drugs in the employee’s system shall be sufficient to establish a violation of this provision and therefor this policy shall be considered an annex to the rules and regulations of the department.

## PROCEDURE:

### I. DEFINITIONS

- A. **Applicant** – Any person who applies for the position as a law enforcement officer in the Sea Girt Police Department, who 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. **Drug Test** – Compulsory production and submission of urine by an employee in accordance with these established procedures for laboratory analysis to detect prohibited drug use.
- C. **Employee** – Any civilian employee assigned to or under the supervision of the police department.
- D. **Officer** – A sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state and is authorized to carry a firearm under N.J.S.A. 2C:39-6. Officer shall include Special Law Enforcement Officer Class IIs.
- E. **Positive Result** – The result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis and a review by a medical review officer at the laboratory after comparison with the medication information report and it is determined that any substance listed on the report does not explain the test result.
- F. **Random Selection** – Method by which every police officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.
- G. **Reasonable Suspicion** – Quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.
- H. **Recruit/Trainee** – Any applicant who is undergoing mandatory basic training in a police academy.
- I. **Special Law Enforcement Officer Class II (SLEOII)** – Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent regularly appointed full-time police officer in accordance with department directives and guidelines established by the New Jersey Attorney General.
- J. **Supervisor** – A sworn officer formally assigned to a position having day-to-day responsibility for supervising subordinates or who is responsible for commanding a work unit.

### II. ELIGIBILITY – GENERAL

#### A. Applicants:

- 1. Applicants for the position of Police Officer and Special Law Enforcement Officer Class II (SLEOII) shall be required to submit a urine specimen prior to appointment. Applicants also include existing regular law enforcement officers with valid PTC certificates seeking employment with this department as police officers.

- a. Applicant will be required to submit to drug testing once a conditional offer of employment is made. This shall be part of the background investigation process.
2. Any person making application for a civilian position, to include Special Law Enforcement Officer Class I (SLEOI) shall be required to submit a urine specimen after they are given a conditional offer of employment but prior to appointment.
3. Any person who was employed as a civilian employee or Special Law Enforcement Officer Class I prior to March 5<sup>th</sup>, 2018, who is making application for a position of Police Officer or Special Law Enforcement Officer Class II shall be required to submit a urine specimen at any time prior to appointment.
4. A negative result is a condition of employment.
5. If the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for unlawful drug use, the officer's employing agency shall be notified of the test results without undue delay.
6. Any Sea Girt Police Department police officer who is an applicant in another jurisdiction and yields a positive drug test result after undergoing drug testing by that jurisdiction in comportment with the guidelines established by the Attorney General of the State of New Jersey shall be:
  - a. Immediately suspended from all duties;
  - b. Terminated from employment as a police officer upon final disciplinary action;
  - c. Reported to the central drug registry maintained by the State Police;
  - d. Permanently barred from future law enforcement employment in the State of New Jersey.
7. A statement of this requirement to submit a urine sample for drug screening shall be included in the application for employment.

**B. Recruit/Trainee:**

1. Recruits/trainees shall be required to submit one or more urine specimens for testing at any time while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules and regulations established by the Police Training Commission.
2. All newly appointed officers shall be informed that drug testing is mandatory during their basic training.
3. A negative result(s) is a condition of continued employment.
4. Individual trainees may also be required to submit a urine specimen for testing when reasonable suspicion exists to believe that the trainee is illegally using drugs. A recruit/trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief of Police, or the academy director.

C. **Officers/Random Selection:**

1. Urine specimens shall be ordered from officers who have been randomly selected to submit to a drug test.
2. **Frequency/Number to be tested:** Approximately ten percent of the sworn workforce (including SLEOII personnel) shall be randomly selected each time. The frequency of the selection shall be at the sole discretion of the Chief of Police, which shall be at a minimum of two tests per calendar year.
3. **Random Selection System:**
  - a. The formula for determining ten percent of the sworn workforce shall be the total number of sworn officers and SLEOII officers employed at the time of the selection.
  - b. The number of officers selected shall be the number rounded up to the next highest whole number of officers.
  - c. Since the officers are randomly selected, regardless of rank, the dates the testing will occur shall be selected using a method in which the result is outside of the control of the current eligible workforce. The testing date shall be selected using the procedure set for the in Appendix A of this directive.
  - d. Officers who are on extended sick/injured leave and trainees in the police academy will be excluded from the agency random selection. Any officer excluded from the agency random selection process shall not be counted in the formula for determining the total number of officers to be selected. (For the purposes of this Policy, “extended sick/injured 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.) Any exclusion shall be documented. Trainees shall be subject to the police academy’s drug screening process.
  - e. The method of random selection shall ensure that every officer in the agency has an equal chance to be selected for testing each and every time a selection takes place. Random selection can be conducted through a software application designed specifically for the purpose random drug testing selection or through a manually operated system which is designed to ensure the identities of those being selected are hidden from the person making the selection.
4. A negative test result is a condition of continued employment.
5. Officer(s) randomly selected who are on sick leave, vacation leave, leave of absence, special day off, or away on official business shall be immediately tested upon their return without exception.
6. **Confidentiality of those to be tested:** Any employee of this department who discloses the identity of an officer selected for random drug testing or the fact that a random drug test is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action. Any officer who discloses that they had supplied a sample for random

drug testing prior to ALL urine samples being collected shall be subject to disciplinary action.

**D. Officers/Reasonable Suspicion:**

1. In addition to random testing, urine specimens shall be ordered from any officer when reasonable suspicion exists to believe that the officer is improperly using drugs. For this purpose, urine specimens shall not be ordered from the officer without the approval of the Monmouth County Prosecutor or the Chief of Police.
2. A negative test result is a condition of continued employment.
3. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the officer shall be charged with gross insubordination and also is subject to the same penalties as for those who test positive for the illegal use of drugs, see subsection VII.
4. Regardless of the reason for testing, any officer who tests positive for improper drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported to the central drug registry maintained by the State Police and shall be permanently barred from future law enforcement employment in New Jersey.
5. Any employee who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion or face disciplinary action.
6. Any employee having reasonable suspicion of illegal drug use by another employee must report it by way of a confidential report to the Chief of Police or the internal affairs commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

**E. Fitness for Duty Examinations (physical and/or psychological examinations);**

1. Urine samples may be requested by a physician/psychologist designated by the Borough of Sea Girt during any scheduled and announced medical examination or a fitness for duty examination (physical and/or psychological examination). The subsequent collection and analysis of any specimen obtained through a medical examination or fitness for duty examination (physical and/or psychological examinations) will be under the control of the Sea Girt Borough designated physician/psychologist.
2. All personnel shall be required to submit to urine testing when told to by the Sea Girt Borough physician or Sea Girt Borough designated physician/psychologist.
3. Failure to submit to this physician/psychologist ordered urine testing shall be considered a form of gross insubordination and subject to termination upon final disciplinary action.

**F. Civilian Personnel – Reasonable Suspicion/Fitness for Duty Examinations (physical and/or psychological examinations):**

1. Civilian personnel are often called upon to perform a myriad of duties that had traditionally been performed by sworn police officers. These duties require civilians to act and

otherwise make decisions that are a matter of public safety and include, but are not limited to the following positions:

- a. Records personnel;
  - b. Special Law Enforcement Officer Class I personnel;
  - c. School Crossing Guards;
  - d. Other civilian personnel which may be assigned to perform duties within the Police Department.
2. Urine specimens shall be ordered from any civilian employee when reasonable suspicion exists to believe that the employee is improperly using drugs. For this purpose, urine specimens shall not be ordered from the employee without the approval of the Chief of Police, internal affairs supervisor or their designees.
  3. Reasonable suspicion drug testing and fitness for duty drug testing will normally be performed by a physician/psychologist or facility designated by the Borough Administrator.
  4. If an employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the employee is subject to termination upon final disciplinary action for gross insubordination.
- G. Any employee who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion or face disciplinary action. These suspicions must be reported by way of a confidential report to the Chief of Police or the internal affairs supervisor. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

### **III. PRELIMINARY PROCEDURES**

#### **A. Police Applicants:**

1. All applicants for law enforcement positions shall be notified that the pre-employment process will include drug testing. This notification (Attachment A) will also indicate the following:
  - a. A negative result is a condition of employment and that a positive result will:
    - i. Cause the applicant being dropped from consideration for employment;
    - ii. Preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test;
    - iii. If the applicant is currently employed by another agency as a law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey; and;

- iv. Refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.
2. After receiving a conditional offer of employment, the applicant will be required to complete the Drug Testing Medication Information Form (Attachment D) form prior to submission of a urine specimen. This form shall list all medications, both prescription and over-the-counter, that were ingested within the last fourteen (14) days. The conditional offer of employment is a prerequisite for completion of this form. Applicants who have not received a conditional offer of employment SHALL NOT be required to complete a Drug Testing Medication Information Form. However, applicants who have not received a conditional offer of employment can be required to complete a Drug Testing Medication Information Form if, following submission of their specimen to the State Toxicology Lab for analysis, this agency receives a report indicated that the specimen tested positive for a controlled substance.
  - a. The Drug Testing Medication Information form shall be confidential. This form shall be completed by the applicant, sealed, and remain sealed unless their specimen tested positive for a controlled substance.
3. Applicants shall subject to the acquisition procedures set forth in section IV.

**B. Recruit/Trainee:**

1. All drug testing conducted during mandatory basic training shall comply with the rules and regulations established by the Police Training Commission and conducted under the auspices of the police academy director or designee.
2. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. This notification (Attachment B) will also indicate the following:
  - a. A negative result is a condition of employment and that a positive result will:
    - i. Result in the trainee being dismissed from basic training;
    - ii. Cause the trainee's termination from employment;
    - iii. Cause the trainee's name to be included in the central drug registry;
    - iv. The trainee will be permanently barred from future law enforcement in New Jersey.;
    - v. Refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the central drug registry.

**B. Random Testing of Officers:**

1. **Eligibility for Random Drug Testing:** The Sea Girt Police Department will conduct random drug testing upon all officers (including SLEOII personnel) regardless of rank or

assignment. The internal affairs supervisor or his/her designee is responsible for the selection, notification, collection, monitoring, chain of custody, storage and transport of urine specimens to the State Toxicology Laboratory and any subsequent recordkeeping which is necessary to ensure that the testing process is conducted in a prompt, efficient and confidential manner.

2. A representative of the police union, and/or officers association, shall be notified of every random selection process and may witness the random selection. The union/association representative(s) shall not be informed of the officers' names. Each representative shall indicate whether they had witnessed the random selection process on the *Random Drug Testing Selection* form (Attachment E).

**C. Civilian Employees:**

1. Drug testing will be performed on all civilian police employees after being provided with a conditional offer of employment, but prior to appointment. All testing will be performed under the auspices of the Internal Affairs Function at a location selected by the Chief of Police.
2. Reasonable suspicion drug testing and drug testing performed during a fitness for duty examination (physical and/or psychological examinations) are also under the auspices of the Internal Affairs Function at a location selected by the Chief of Police.
3. A negative result is a condition of employment.
4. If the drug test of a civilian applicant reveals the use of any unlawful substance, the applicant will have the conditional offer of employment withdrawn.
5. If the drug test of a civilian employee, tested under reasonable suspicion, reveals the use of any unlawful substance, the drug test results will be forwarded to the Sea Girt Borough physician/psychologist or Sea Girt Borough designated physician/psychologist for review. The physician/psychologist will interpret the results and tender a recommendation to the Borough Administrator and/or Chief of Police concerning the employee's employment status. A civilian is subject to termination upon final disciplinary action.
6. The presence of a lawful substance is subject to review by the Sea Girt Borough designated physician and Chief of Police to determine if the substance is or has adversely affected the employee's job performance. Any employment action will be decided on a case-by-case basis in comportment with ADA guidelines.

**D. ANY OFFICER OR EMPLOYEE OF THE POLICE DEPARTMENT WHO KNOWINGLY TAMPERS WITH ANY SPECIMEN, OR OTHERWISE COMPROMISES THE TESTING PROCESS SHALL BE SUBJECT TO CRIMINAL AND/OR DISCIPLINARY ACTION.**

**II. ACQUISITION PROCEDURES:**

- A. The section applies to the acquisition and collection of specimens for applicants, random officer testing, and reasonable suspicion testing. The acquisition and collection of specimens from



recruits/trainees shall be conducted in accordance with the policies and procedures established in the police training academy.

- B. Prior to the submission of a urine specimen by an applicant for a law enforcement position, it shall be verified that a signed Applicant Notice and Acknowledgement of Drug Testing Form (Attachment A) was completed by the applicant.
- C. Prior to the submission of a urine specimen, an officer shall execute an Officer Notice and Acknowledgement form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in 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.
- D. The Chief of Police shall designate staff member(s) to act as the monitor(s). The monitor(s) shall be the same gender as the subject selected. If there are no staff members of this department who are of the same gender as the subject selected, the Chief of Police may designate a member of another agency or another borough department to act as the monitor.
- E. It is the duty of the monitor(s) to ensure that all required documentation is fully and accurately completed and submitted in accordance with this directive.
- F. The subject(s) selected (excluding applicants who have not been provided a conditional offer of employment) shall fully complete a *Drug Testing Medication Information Form* (Attachment D) form provided by the monitor listing all medications including prescription, non-prescription (over-the counter) medication, dietary supplements, and nutritional supplements, that were ingested within the past fourteen (14) days. No subject shall make any false or misleading statements on the report. All prescription drugs listed on the form are subject to verification. **(This will be the only opportunity for the subject to disclose the medication he/she had taken. Subjects who yield positive test results will not be given another chance to list any medication they have taken.)**
  - 1. The Drug Testing Medication Information form is confidential and shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal and write their unique identifier (Donor ID) on the envelope.
- G. **Monitor's Responsibilities:**
  - 1. The monitor of the specimen acquisition process shall be responsible for:
    - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
    - b. The monitor(s) shall collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the sample provided. Individual specimens and forms shall be identified throughout the process using a donor identification (Donor ID) number. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
      - i. The Donor ID shall be established in accordance with the instructions found on the Custody and Submission Form (CSF).

- c. Complying with chain of custody procedures established by the New Jersey State Medical Examiner Toxicology Laboratory for the collection and submission for analysis of urine specimens.
  - d. 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 New Jersey State Medical Examiner Toxicology Laboratory. It is the responsibility of the agency drug screening administrator to ensure a sufficient number of Split Specimen Kits and Forensic Urine Drug Testing Custody and Submissions Forms are available. The kits and CSF forms are available from the New Jersey State Toxicology Laboratory.
  - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
    - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
    - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.

#### **H. Urine Specimen Collection Procedure:**

1. The specimen will be collected without the direct observation of the voiding of the specimen into the container unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process.
  - a. 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.
  - b. 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.
2. The place that the collection takes place will be designated by the Chief of Police and may vary from test to test.
3. Specimens shall ONLY be collected utilizing equipment and supplied approved by the New Jersey State Medical Examiner Toxicology Laboratory.
4. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
5. The monitor completes the agency information, donor identification, and the test information sections of the Custody and Submission Form (CSF).

6. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
7. The monitor and the donor shall inspect the split specimen collection kit to ensure that it is intact.
8. 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 collection container and specimen containers should be kept within view of both the donor and the monitor.
9. The person providing the specimen shall empty his/her pockets and thoroughly wash his/her hands prior to providing the specimen.
10. The monitor instructs the donor to void a specimen of at least 45ml into the specimen container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
  - a. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine.
11. 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.
12. 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 30ml of urine from the collection container in the primary specimen container and at least 15ml 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.
13. 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 (30ml).

- 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 (15ml).
    - 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.
  14. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
  15. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
  16. 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.
  17. 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.
  18. Any remaining urine and the specimen collection container may be discarded.
  19. The monitor will take possession of the sealed specimen bag. The monitor will ensure that the specimen bag is delivered to the New Jersey State Toxicology Laboratory.
- I. “Shy Bladder” Procedure:
  1. Subjects must provide the specimen upon being ordered to do so. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
    - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
    - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
    - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
    - d. If the subject remains unable to provide a specimen after a reasonable amount of time, the monitor may direct the individual to be examined by a physician to determine whether the inability to produce a specimen is as a result of a medical or physical infirmity or a refusal to cooperate with the testing process.
- J. Subjects shall not be permitted to consult with anyone prior to submitting the specimen. Any attempt to delay the submission of a specimen, based upon his/her desire to consult with anyone, will be treated as a refusal.
- K. 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 New Jersey State Medical Examiner Toxicology Laboratory for a minimum of one (1) 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. This agency is notified by the New Jersey State Medical Examiner Toxicology Laboratory that the first specimen tested positive for a controlled substance;
    - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
    - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
  4. The positive urine donor must designate, from a list maintained by the New Jersey State Medical Examiner Toxicology Laboratory, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
    - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
  5. A representative of the split test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory commercial courier also following accepted chain of custody procedures.
  6. 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 New Jersey Medical Examiner Toxicology Laboratory medical review officer.
- L. The chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to as set forth in the Attorney General's Law Enforcement Drug Testing Policy.
- M. The monitor will secure all samples in secured refrigerated storage. The access to this refrigerated storage shall be restricted to the Chief of Police or his/her designee and the internal affairs supervisor or other designee.
1. If the Chief of Police has provided a urine sample, he/she shall have his/her access to the secured refrigerated storage revoked until the samples are tested and/or disposed.
  2. If the internal affairs supervisor has provided a urine sample, he/she shall have his/her access to the secured refrigerated storage revoked until the samples are tested and/or disposed.

3. If any designees mentioned above have provided a urine sample, they shall have their access to the secured refrigerated storage revoked until the samples are tested and/or disposed.

### **III. SUBMISSION OF SPECIMENS FOR ANALYSIS**

- A. The New Jersey State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Every effort shall be made to deliver the collected samples to the New Jersey State Toxicology Laboratory within twenty-four (24) hours.
  1. If the samples cannot be delivered within twenty-four (24) hours, they shall be delivered as soon as possible.
- C. Specimens may be submitted to the Laboratory by commercial courier using “next day delivery” or in person. In person specimen submissions are by appointment only.
- D. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the Laboratory shall inspect each specimen for damage and evidence of tampering.
  1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  2. Notify the submitting agency in writing with the reason for rejection clearly stated

### **IV. ANALYSIS OF SPECIMENS**

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the 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. The steroid test shall be for an additional cost to the agency.
- B. The Laboratory shall minimally analyze each specimen for the following substances and their metabolites:
  1. Amphetamine/methamphetamine;
  2. Barbiturates;
  3. Benzodiazepine;

4. Marijuana/Cannabis;
  5. Cocaine;
  6. Methadone;
  7. Phencyclidine;
  8. Opiates;
  9. Other drug or substance deemed necessary by the Chief of Police, County Prosecutor, or Attorney General.
- C. The Laboratory utilizes a two-stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment may, depending on the stage of their application, not be required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. The Chief of Police may request that one or more specimens be analyzed for the presence of anabolic steroids and their metabolites.

## **V. DRUG TEST RESULTS**

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.

- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of this 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 this agency.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

## **VI. ACCIDENTAL/INADVERTENT EXPOSURE**

- A. Any officer or employee who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty the officer or employee must immediately notify their supervisor. A report detailing the facts and circumstances of the exposure shall be forwarded to the Chief of Police or the internal affairs commander through the chain of command. If the exposure occurs off duty, notification must be made as soon as practicable.
- B. The Chief of Police may order the internal affairs supervisor to investigate the circumstances of the accidental/inadvertent exposure.

## **VII. POSTIVE TEST RESULT**

- A. Any test that reveals the presence of a drug or substance listed on the subject's Medication Information Report will be reported to the Chief of Police. This result will be reported with the explanation that the substance was listed on the Medication Information Report. The Chief of Police will have the option of causing a further investigation into the propriety of the listed substance and its use. The Chief of Police may require documentation from the employee's physician that the medication was lawfully prescribed and does not render the employee unfit for duty.
- B. In the event of a positive test result, the applicant, trainee, or sworn officer shall be notified as soon as practicable. Upon written request, the individual may receive a copy of the laboratory report.
- C. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by this agency.
  - 2. The applicant shall be reported to the Central Drug Registry.
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under



these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry.

- D. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
1. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by this agency.
  2. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer.
  3. The trainee shall be reported to the Central Drug Registry.
  4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- E. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all duties.
  2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  3. The officer shall be reported to Central Drug Registry.
  4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

## **VIII. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST**

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, this agency shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, this agency shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, this agency 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.

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

- A. 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 complete of final disciplinary action, shall be reported by his or her employer to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

#### **X. NOTIFICATIONS**

- A. The Chief of Police shall notify the Monmouth County Prosecutor and the first assistant prosecutor if any police officer tests positive or refuses to be tested pursuant to this directive.
- B. Applicants, trainees and sworn officers who test positive for the unlawful use of drugs, or who refuses an order to submit a urine sample when ordered to shall be reported to the Central Drug Registry maintained by the New Jersey State Police on a form approved for use by the Attorney General. Notifications to the Central Drug Registry using shall include the following information as to each individual:
  - 1. Name and address of the submitting agency, and the contact person;
  - 2. Name of the individual who tested positive;
  - 3. His/her last known address;
  - 4. His/her date of birth;
  - 5. His/her social security number;
  - 6. His/her SBI number (if known);
  - 7. His/her gender;
  - 8. His/her race;
  - 9. His/her eye color;
  - 10. The substance for which he/she tested positive, or circumstances of the refusal to submit a urine sample;
  - 11. Date of the drug test or refusal;
  - 12. Date of final dismissal or separation from this agency; and
  - 13. Whether the subject was an applicant, trainee or sworn officer.
- C. The certification section of the notification form must be completed by the Chief of Police and notarized with a raised seal.

- D. 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
- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
  2. In response to a court order.

## **XI. RECORDKEEPING**

- A. The internal affairs commander shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers, which shall be stored in the internal affairs files within the Chief's Office.
- B. These records shall include, but are not limited to:
1. The identity of those ordered to submit urine samples;
  2. The reason for the order;
  3. The date the sample was collected;
  4. The name of the monitor;
  5. The chain of custody of the sample from the time it was collected until the time it was received by the Laboratory;
  6. The results of the drug testing;
  7. Copies of notifications to the subject of the drug testing;
  8. For any positive result, documentation from the employee's physician that the medication was lawfully prescribed and does not render the employee unfit for duty;
  9. For any positive result or refusal, appropriate documentation of the disciplinary action.
- C. For random selection drug testing, the records will also include:
1. A description of the process used to randomly select officers for drug testing;
  2. The date the selection was made;
  3. A copy of the document listing the identities of those selected for drug testing;
  4. A list of those who were actually tested; and

5. The date(s) those officers were tested.
- D. Sworn applicant drug testing, random selection drug testing, and reasonable suspicion for sworn officer 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 manual.
- E. Drug testing records for civilian employees will be kept and maintained by the Chief of Police and/or Borough Administrator.

## **XII. Public Accessibility and Confidentiality**

- A. The Sea Girt Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency's website.
- B. Annual Reports, required by the Prosecutor's Office, shall also be made available to the public upon request and shall be posted on the agency's website.
- C. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.

**ATTACHMENT A**

**DRUG TESTING**

**APPLICANT NOTICE AND ACKNOWLEDGMENT**

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

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

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

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

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

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

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

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

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

EXAMPLE: SEE DMS FOR FULL SIZE ATTACHMENT

**ATTACHMENT B**

**DRUG TESTING**

**TRAINEE NOTICE AND ACKNOWLEDGMENT**

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

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

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

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

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

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

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

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

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

EXAMPLE: SEE DMS FOR FULL SIZE ATTACHMENT

**ATTACHMENT C**

**DRUG TESTING**

**OFFICER NOTICE AND ACKNOWLEDGMENT**

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

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

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

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

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

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

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

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

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

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

EXAMPLE: SEE DMS FOR FULL SIZE ATTACHMENT

**ATTACHMENT D**

**DRUG TESTING MEDICATION INFORMATION**

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

Check all that apply:

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

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Name of Medication	Date Last Taken
1		
2		
3		

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

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

\_\_\_\_\_  
Date

EXAMPLE: SEE DMS FOR FULL SIZE ATTACHMENT



## APPENDIX A

### Date Selection / Random Officer Selection

- A. Section II C of this policy requires that the selection of dates which drug screening is to occur will be selected using a method in which the result is outside of the control of the current eligible workforce. Since the Chief of Police is also included in the random in the current eligible workforce, the following system will be utilized for selection of random drawing dates:
- a. Two groups of 26 envelopes will be prepared. Each envelope will contain a blank tri-folded plain white piece of paper. At least one envelope in each group will also be populated with a note indicating drug testing is required.
    - i. Having two groups of 26 envelopes, each group containing AT LEAST one drug screening note, will ensure there will be at least two drug screening events during the year. Having at least one in each group allows for the possibility of additional random screening events. This allows for the ever present possibility of drug screening to occur randomly and at any time.
  - b. On one designated weekday each week, an envelope will be selected from a group of 26 envelopes. The drawing of this envelope will be conducted with at least one member of the command staff and at least one union member present. The envelopes will be shuffled prior to drawing.
  - c. The enveloped drawn will be opened and if it contains the drug testing note, the random selection process will be immediately implemented.
- B. In the event a drug screening note is drawn, the random selection process will immediately occur using the following method:
- a. At spreadsheet, previously prepared, will contain the social security numbers of each eligible employee.
  - b. This spreadsheet will utilize random sorting to shuffle each social security number. These numbers will correspond to the row numbers on the spreadsheet. They will be randomized on the spreadsheet prior to the selection process.
  - c. The website [www.random.org](http://www.random.org) will be utilized to randomly select the required number of officers based on the formula contained in this policy. (10% of the eligible workforce rounded to the nearest whole number)
  - d. Each number drawn will be compared to the corresponding row on the social security number spreadsheet.
  - e. The social security numbers will then be looked up which will identify the officers selected for the random drug screening.
- C. The acquisition procedure set forth in this policy will be implemented immediately.