

**WESTFIELD POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

LAW ENFORCEMENT DRUG TESTING



BY THE ORDER OF:

OF PAGES: 21

Chief Christopher Battiloro

EFFECTIVE DATE: 12.20.2023

ACCREDITATION STANDARDS: 1.3.3

PURPOSE: The procedures contained herein shall be in accordance with the New Jersey Attorney General’s Law Enforcement Drug Testing Policy, revised February 2023, and New Jersey Attorney General’s Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees regarding the agency’s drug testing policy.

The purpose of this policy is to deter illegal drug use, including unregulated marijuana, by applicable employees. The policy provides a mechanism to identify and remove those applicable employees engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of applicable employees, the policy mandates that applicable employees who test positive shall be terminated from employment.

POLICY: In accordance with those directives promulgated by the Attorney General of the State of New Jersey, and in keeping with its responsibility of serving and maintaining the public’s trust, the Westfield Police Department does hereby establish a drug testing program designed to detect illegal drug use by law enforcement applicants, law enforcement trainees, public safety telecommunicators, and sworn law enforcement officers.

It shall be the policy of the Westfield Police Department to conduct reasonable suspicion and random drug testing of applicable employees contained in Section I of this policy.

This written directive is considered an annex to the Rules and Regulations of the Westfield Police Department.

PROCEDURE:

I. APPLICABILITY

- A. This policy applies to:
1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
 2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
 3. Sworn law enforcement officers, to include all full-time Class II Special Law Enforcement Officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
 4. Public safety telecommunicators, where applicable.
- B. Employment Status: Drug testing shall be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These categories and methods shall include the following:
1. Applicants for Law Enforcement Officer and Public Safety Telecommunicator Positions
 - a. Law enforcement and public safety telecommunicators applicants may be drug tested at any point during the pre-employment process.
 - b. Law enforcement and public safety telecommunicator applicants may be drug tested as many times as deemed necessary to ensure they are not engaged in the illegal use of drugs. *(For example, applicants for employment who have been drug tested as part of the application process may be drug tested again if a significant amount of time has elapsed since the previous step in the pre-employment process.)*
 - c. During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information* form (*Attachment D*) shall be used during the pre-employment process, unless a positive drug test result requires an explanation.
 2. Law Enforcement Trainee Drug Testing
 - a. Law enforcement trainees who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission shall be subject to drug testing during their attendance at a police academy.

- b. Law Enforcement trainees shall be required to submit one or more urine specimens for drug testing while they attend a mandatory basic training course.
 - c. The drug testing of law enforcement trainees shall be conducted by police academy staff pursuant to rules and regulations adopted by the Police Training Commission.
 - d. An individual law enforcement trainee shall also be required to submit to drug testing when there exists reasonable suspicion to believe that he or she is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. A law enforcement trainee shall be ordered to submit to a reasonable suspicion drug test only with the approval of the county prosecutor, the Chief of Police or the police academy director.
3. Sworn Law Enforcement Officer and Public Safety Telecommunicator Drug Testing, where applicable
- a. Sworn law enforcement officers shall be ordered to submit to drug testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection is conducted.
 - b. Individual sworn law enforcement officer and public safety telecommunicators shall also be required to submit to drug testing when there exists reasonable suspicion to believe that they are illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. A sworn law enforcement officer shall be ordered to submit to a reasonable suspicion drug test based on reasonable suspicion only with the approval of the county prosecutor or the Chief of Police.
 - c. Urine specimens may be collected from sworn law enforcement officers during any regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these urine specimens are not governed by this SOP.

C. Types of Drug Testing

1. Random Drug Testing

- a. Random drug testing of all state, county and local sworn law enforcement officers is required by *Attorney General Law Enforcement Directive 2018-2*. Random selection shall be defined as a method of selection in which each and every sworn member of the department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection is conducted.

- 1) The number of sworn law enforcement officers to be selected each time a random drug test is conducted shall be less than the total number of sworn officers employed by the department.
 - 2) A minimum of ten (10) percent of the sworn law enforcement officers within the department shall be drug tested each time a random drug test is conducted. The determination to drug test more than ten (10) percent of the sworn law enforcement officers within the department shall be at the discretion of the Chief of Police.
 - 3) Random drug testing shall be conducted at least twice every calendar year.
 - 4) Random drug testing shall not be implemented until this SOP has been in effect for a minimum of sixty (60) days.
- b. A method of random selection shall be chosen which ensures that every sworn law enforcement officer in the department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection takes place. A sworn law enforcement officer who has been selected on one or more previous occasions for random drug testing shall not be excused from future random drug tests.
- c. The random selection process should be verified and documented. Therefore, a representative of each collective negotiating unit representing sworn law enforcement officers shall be permitted to witness the random selection process.
- 1) The random selection process shall not be delayed or postponed due to the tardiness or unavailability of any collective bargaining unit representative.
 - 2) Any member of this department who discloses the identity of a sworn law enforcement 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, up to and including that member's dismissal from service.
- d. If a sworn law enforcement officer is randomly selected for drug testing, but has been scheduled off due to a long term illness, injury and/or other approved leave, the Chief of Police may excuse him or her from that particular random drug test only, if he reasonably believes that said officer is not likely to return to duty prior to the end of the calendar year. In such instances, another sworn law enforcement officer shall be randomly selected for drug testing in order to meet the minimum random drug testing requirements set forth by *Attorney General Law Enforcement Directive 2018-2* and this SOP.

2. Reasonable Suspicion Drug Testing

- a. Drug testing shall be conducted whenever there is reasonable suspicion to believe that a sworn law enforcement officer or public safety telecommunicator is engaged in the illegal use of drugs.
- 1) Reasonable suspicion *"requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."*
 - 2) The reasonable suspicion standard is *"less demanding"* than the probable cause standard in two ways: First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that which is needed to satisfy the probable cause standard; Second, the type of information used to satisfy the reasonable suspicion standard may be *"less reliable than that required to show probable cause."*
 - 3) The following factors should be evaluated to determine the quality and relevance of the information acquired:
 - a) The nature and source of the information;
 - b) Whether the information constitutes direct evidence or is hearsay in nature;
 - c) The reliability of the informant or source;
 - d) Whether corroborating information exists and the degree to which it corroborates the accusation; and
 - e) Whether and to what extent the information may be stale.
 - 4) Reasonable Suspicion Testing for Cannabis Use - Consuming or being under the influence of cannabis while at work or during work/training hours is strictly prohibited. Officers/Trainee/Public Safety Telecommunication Operators shall be tested for cannabis in the following situations:
 - a) Upon reasonable suspicion of the officer's/trainee's use of a cannabis item while engaged in the performance of the officer's/trainee's/public safety telecommunication operator's duties, or
 - b) Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's/trainee's/public safety telecommunication operator's duties.
 - c) In the above situations, the drug test shall include a physical evaluation by a Workplace Impairment

Recognition Expert (WIRE) to determine the officer's/trainee's/public safety telecommunication operator's state of impairment and a urinalysis.

- 5) Before a sworn law enforcement officer may be ordered to undergo reasonable suspicion drug testing, a written report shall be prepared and presented to the Chief of Police documenting the basis for the drug test. Under emergent circumstances, approval to conduct a reasonable suspicion drug test may be given on the basis of a verbal report.

D. Notification of Drug Testing Procedures

1. Applicants

- a. Law enforcement applicants shall be informed that the pre-employment process shall include drug testing. Law enforcement applicants shall also be informed that a negative drug test result is a condition of employment and that a positive drug test result shall cause the following:

- 1) The law enforcement applicant being removed from consideration for law enforcement employment;
- 2) The law enforcement applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police; and;
- 3) The law enforcement applicant from being removed from consideration for future law enforcement employment in New Jersey for a period of two (2) years from the date of the drug test.

- b. Law enforcement applicants shall be informed that if they are currently employed by another agency as a sworn law enforcement officer and test positive for illegal drug use, their employing agency shall be notified of the positive drug test result and they shall be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

- c. Law enforcement applicants shall be informed that refusal to submit to drug testing shall result in the same penalties as if they tested positive for illegal drug use.

2. Public safety telecommunicator applicants will be notified that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; and b) preclude the applicant from being considered for future employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency and the employee tests positive for illegal drug use, the employee's current agency will be notified of the test results.

3. Law Enforcement Trainees

- a. Law enforcement trainees shall be informed that drug testing is mandatory during basic training. Law enforcement trainees shall also be informed that a negative test result is a condition of employment and that a positive test result shall cause the following:
 - 1) The law enforcement trainee being dismissed from mandatory basic training;
 - 2) The law enforcement trainee's termination from employment;
 - 3) The law enforcement trainee's name to be reported to the Central Drug Registry maintained by the Division of State Police; and:
 - 4) The law enforcement trainee being permanently barred from future law enforcement employment in New Jersey.
- b. Law enforcement trainees shall be informed that refusal to submit to drug testing shall result in the same penalties as if they tested positive for illegal drug use.
- c. Each police academy shall include in its rules and regulations a provision implementing drug testing during mandatory basic training.

3. Sworn Law Enforcement Officers and Public Safety Telecommunicators: Reasonable Suspicion Testing

- a. Individual sworn law enforcement officers and public safety telecommunicators shall be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer or public safety telecommunication operator is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. Individual sworn law enforcement officers shall be ordered to submit to a drug test when they are subject to mandatory random drug testing pursuant to this SOP.
- b. By issuance of this SOP, all sworn law enforcement officers are hereby informed that a negative test result is a condition of employment and that a positive test result shall cause the following:
 - 1) The sworn law enforcement officer's termination from employment;
 - 2) The sworn law enforcement officer's name to be reported to the Central Drug Registry maintained by the Division of State Police; and:
 - 3) The sworn law enforcement officer being permanently barred from future law enforcement employment in New Jersey.

- c. A negative result is a condition of employment as a public safety telecommunicator and that a positive result will result in: a) upon final disciplinary action, termination from employment; and b) being permanently barred from future employment with the agency.
- d. Sworn law enforcement officers and public safety telecommunicators who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs.
- e. Any sworn law enforcement officer or public safety telecommunicator who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the urine specimen shall be deemed to have refused to submit to the drug test.

E. Urine Specimen Acquisition Procedures

1. Preliminary Urine Specimen Acquisition Procedures

- a. The Internal Affairs Unit Supervisor shall designate a member of its staff to serve as the official monitor of the urine specimen acquisition process. The Internal Affairs Supervisor may designate another member of the department as an assistant. The official monitor shall always be of the same gender as the individual being tested. In the event there is no member of the same gender available to serve as official monitor, a member of the same gender from another law enforcement agency may be requested to serve as the official monitor.
- b. Prior to the submission of a urine specimen, a law enforcement applicant or public safety telecommunicator applicant shall complete a form (*Attachment A*) consenting to the collection and analysis of his or her urine for drug testing. The completion of this form shall be witnessed by the Internal Affairs Supervisor and/or his/her designee.
 - 1) The form shall advise the law enforcement applicant that a negative test result is a condition of employment and that a positive test result shall cause the penalties as delineated in *Section D, 1* above.
 - 2) During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information form (Attachment D)* shall be used during the pre-employment process, unless a positive test result requires an explanation.
- c. Prior to the submission of a urine specimen for analysis, a law enforcement trainee enrolled in a basic training course shall complete the following:

- 1) A form (*Attachment B*) advising the law enforcement trainee that a negative test result is a condition of employment and that a positive test result shall cause the penalties as delineated in *Section D, 2* above. The completion of this form shall be witnessed by the Internal Affairs Supervisor and/or his/her designee.
 - 2) The form shall also advise the law enforcement trainee that refusal to participate in the drug testing process shall cause the same penalties as testing positive for the illegal drug use.
 - 3) The law enforcement trainee shall complete a *Drug Testing Medication Information* form (*Attachment D*) listing all prescription medication, non-prescription (*over-the-counter*) medication, dietary supplements and nutritional supplements ingested during the past fourteen (*14*) days. This form shall be placed in an envelope and sealed by the trainee donor. The trainee donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.
- d. Prior to the submission of a urine specimen for analysis, a sworn law enforcement officer or public safety telecommunicator shall complete the following:
- 1) A form (*Attachment C*) advising the sworn law enforcement officer or public safety telecommunicator that a negative test result is a condition of employment and that a positive test result shall cause the penalties as delineated in *Section D, 3* above. The form shall also advise the sworn law enforcement officer or public safety telecommunicator that refusal to participate in the drug test process carries the same penalties as testing positive for illegal drug use. The completion of this form shall be witnessed by the Internal Affairs Supervisor and/or his/her designee.
 - 2) The sworn law enforcement officer or public safety telecommunicator shall complete a *Drug Testing Medication Information* form (*Attachment D*) listing all prescription medication, non-prescription (*over-the-counter*) medication, dietary supplements and nutritional supplements ingested during the past fourteen (*14*) days. The *Drug Testing Medication Information* form (*Attachment D*) shall be placed in an envelope and sealed by the donor employee. The donor employee shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

F. Official Monitor's Responsibilities

1. The official monitor of the urine specimen acquisition process shall be responsible for the following:
 - a. Ensuring that all accompanying documentation is fully and accurately completed by the individual submitting the urine specimen.

- b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of donor identification (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
 - c. Complying with chain of custody procedures established by the 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 NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
 - e. Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.
2. In order to ensure the accuracy and integrity of the urine specimen collection process, the official monitor may:
 - a. Direct an individual who has been selected for drug testing to remove any outer clothing (*jackets, sweaters etc.*), empty his or her pockets and wash his or her hands under running water before producing a urine specimen.
 - b. Add tinting agents to toilet water and secure the area where the urine specimens are to be collected prior to urine specimen collection.
 3. If the official monitor has reason to believe that an individual may attempt to adulterate or contaminate a urine specimen, substitute another substance or liquid for a urine specimen or otherwise compromise the integrity of the drug testing process, then he or she may conduct a direct observation of the individual. If the official monitor determines that direct observation of an individual is necessary, then he or she shall document the facts supporting such as before there can be direct observation.

G. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps shall be completed by the donor individual in the presence of the official 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.

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° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
 - b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section H. “Shy Bladder” Procedure below)
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
 - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
 - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with 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 or her initials in the space provided

on the security seals to certify that the specimen containers contain the specimen that he or she provided.

9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
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.
14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section J. Submission of Specimens to the Laboratory below).

H. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

I. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one

(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. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier also following accepted chain of custody procedures.
5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

J. Submission of Urine Specimens to the Laboratory

1. The NJ State Medical Examiner Toxicology Laboratory shall be the only facility approved for the analysis of urine specimens conducted pursuant to this SOP. No other laboratory or facility shall be used for the purpose of analyzing urine specimens for illegal drug use.
2. Urine specimens should be submitted to the Laboratory as soon as possible after their collection. In the event urine specimens cannot be submitted to the laboratory within one (1) working day of its collection, said specimens shall be stored in the secured refrigerated storage area of the Property Room until their submission to the Laboratory.
3. Submission of urine specimens to the Laboratory may be accomplished by the Internal Affairs Supervisor and/or his/her designee or by commercial courier using "next day" delivery. Urine specimens submitted by commercial courier shall be packaged in such a manner as to ensure their integrity by using two (2) additional seals.
4. All urine specimens shall be accompanied by the *Law Enforcement Drug Testing Custody and Submission Form* and the sealed envelope containing the *Drug Testing Medication Information form (Attachment D)*.
5. The Laboratory shall inspect all required accompanying documentation to ensure that it has been properly completed. Failure to include the required accompanying documentation with each urine specimen submission shall cause the Laboratory to delay conducting an analysis of same until the missing documentation has been submitted.

6. In addition to ensuring that the appropriate accompanying documentation has been completed and submitted for each urine specimen, the Laboratory shall inspect each urine specimen for damage and evidence of tampering. The Laboratory may reject any urine specimen it has reason to believe may have been tampered with or is damaged. The Laboratory shall make written notification clearly stating the reason for rejection.

K. Analysis of Urine Specimens

1. The analysis of the first urine specimen shall be conducted in accordance with currently accepted procedures adopted by the Laboratory. These procedures shall include, but not be limited to, security of the test urine specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of written final test result reports.
2. In addition to the controlled substances listed below, the Chief of Police may request that urine specimens be analyzed for the presence of steroids or any other illegal controlled substance.
3. The Laboratory's drug testing procedures shall screen urine specimens for the following controlled substances:
 - a) Amphetamines;
 - b) Barbiturates;
 - c) Benzodiazepine;
 - d) Cocaine;
 - e) Methadone;
 - f) Opiates;
 - g) Oxycodone/Oxymorphone;
 - h) Phencyclidine;
 - i) Marijuana/Cannabis (only to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g., pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion section.
4. The Laboratory shall utilize a two-stage procedure to analyze urine specimens.
 - a. In the first stage, urine specimens shall undergo an initial screening. The initial screening determines whether one or more of the nine (9) substances listed above and/or their metabolites are

present at or above a designated cutoff. All presumptive positive urine specimens shall undergo a second and more specific type of testing.

- b. The second stage of testing shall employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
5. When a urine specimen tests positive at both the first test stage and the second test stage, a medical review officer assigned to the Laboratory shall review the test results together with the *Drug Testing Medication Information form (Attachment D)* submitted for that urine specimen. The medical review officer shall seek to determine whether any of the substances listed on that form would explain the positive drug test result.
 - a. The medical review officer may direct further information from the individual being tested concerning the medications listed on the *Drug Testing Medication Information form (Attachment D)*.
 - b. The medical review officer shall issue a written report indicating whether or not the urine specimen tested positive due to a listed medication on the *Drug Testing Medication Information form (Attachment D)*.
 6. During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information form (Attachment D)* shall be used during the pre-employment process, unless a positive test result requires an explanation.
 - a. If a law enforcement applicant or a public safety telecommunicator applicant tests positive for a controlled substance, following notification from the Laboratory, the law enforcement applicant or public safety telecommunicator applicant shall complete the *Drug Testing Medication Information form (Attachment D)*.
 - b. Once the *Drug Testing Medication Information form (Attachment D)* has been completed, the form shall be transmitted to the Laboratory. A review of the *Drug Testing Medication Information form (Attachment D)* shall then be conducted by the medical review officer assigned to the Laboratory as outlined above.
 7. In addition to the drug testing outlined above, urine specimens submitted to the Laboratory may be tested for the presence of steroids or any other illegal controlled substance at the request of the Chief of Police, County Prosecutor or the Director of the academy training. The Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange for such testing.

L. Drug Test Results

1. The Laboratory shall provide written test results for every urine specimen submitted for analysis. All efforts shall be made to deliver these written reports within fifteen (15) working days of the urine specimen submission.

2. Reports shall be addressed to the Chief of Police, who shall be listed on the specimen submission record as the contact person. Positive drug test results shall be sent by the State Toxicology Laboratory via certified mail.
3. In some cases, the Laboratory may report that a urine specimen tested positive for a particular substance and that the information listed on the *Drug Testing Medication Information* form (*Attachment D*) explains the positive drug test result.

For example, the Laboratory may report that a urine specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the Drug Testing Medication Information form by the officer.

At this point, it shall be the responsibility of the Internal Affairs Supervisor to determine if the positive donor officer possesses a valid prescription for that drug. A positive donor officer who do not possess a valid prescription shall be subject to disciplinary action, up to and including his or her dismissal from service.

4. Under no circumstances shall the Laboratory provide verbal reports of drug test results. In addition, no individual or other agency shall ask the State Toxicology Laboratory to conduct a second analysis of a urine specimen that has already been analyzed.

M. Consequences of a Positive Drug Test Result

1. When an applicant tests positive for illegal drug use:
 - a. The law enforcement applicant shall be immediately removed from consideration for employment.
 - b. The law enforcement applicant's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - c. The law enforcement applicant shall be precluded from consideration for future law enforcement employment in New Jersey for a period of two (2) years.
 - d. The public safety telecommunicator applicant shall be precluded from consideration for future employment by the Westfield Police Department for a period of two years.
 - e. If the law enforcement applicant is currently employed by another agency as a sworn law enforcement officer or public safety telecommunicator, his or her current employer shall be notified of the positive drug test result. Under these circumstances, the officer's current employer shall be required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
2. When a law enforcement trainee tests positive for illegal drug use or is found to have been consuming or being under the influence of cannabis or

marijuana while at work/training or during work/training hours, subject to rules adopted by the Police Training Commission:

- a. The law enforcement trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and immediately suspended from employment.
 - b. The law enforcement trainee shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
 - c. The law enforcement trainee's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - d. The law enforcement trainee shall be permanently barred from future law enforcement employment in New Jersey.
3. When a sworn law enforcement officer or public safety telecommunicator tests positive for illegal drug use or is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours:
- a. The sworn law enforcement officer or public safety telecommunicator shall be immediately suspended from all duties.
 - b. The sworn law enforcement officer or public safety telecommunicator shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
 - c. The sworn law enforcement officer's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - d. The sworn law enforcement officer shall be permanently barred from future law enforcement employment in New Jersey.
 - e. The public safety telecommunicator shall be permanently barred from future employment with the agency.

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

1. Law enforcement applicants or public safety telecommunicator applicants who refuse to submit to a drug test during the pre-employment process shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate the law enforcement applicants refused to submit to a drug test
2. Law enforcement trainees who refuse to submit to a drug test during basic training shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate they refused to submit to a drug test

3. Sworn law enforcement officers or public safety telecommunicators who refuse to submit to a drug test ordered in response to reasonable suspicion or pursuant to random selection shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate the law enforcement applicants refused to submit to a drug test. Upon a finding that the public safety telecommunicator did in fact refuse to submit a sample, the public safety telecommunicator shall be terminated from employment and permanently barred from future employment with the Westfield Police Department.
 4. If there is no valid reason why an individual cannot produce a urine specimen, then that individual's actions shall be treated as a refusal to submit to the drug test. In addition, any law enforcement officer or public safety telecommunicator who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the urine specimen shall be deemed to have refused to submit to the drug test.
- O. Resignation/Retirement in Lieu of Disciplinary Action
1. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be subject to the same penalties as if he or she tested positive for illegal drug use.
 2. A public safety telecommunicator who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action shall be permanently barred from future employment in the Westfield Police Department.
- P. Record Keeping
1. The Internal Affairs Unit shall maintain all records relating to the drug testing of law enforcement applicants, law enforcement trainees, sworn law enforcement officers and public safety telecommunicators.
 2. Drug testing records shall include, but not be limited to, the following:
 - a. For Reasonable Suspicion Drug Testing:
 - 1) The identity of those sworn law enforcement officers ordered to submit urine specimens for analysis;
 - 2) The reason for the issuance of those orders;
 - 3) The dates the urine specimens were collected;
 - 4) The official monitors of the urine collection process;

- 5) The chain of custody of the urine samples from the time they were collected until the time they were received by the Laboratory;
 - 6) The results of the drug tests;
 - 7) Copies of notifications to the subject sworn law enforcement officers or public safety telecommunicators;
 - 8) For any positive test result, documentation from the sworn law enforcement officer or public safety telecommunicator's physician that the medication was lawfully prescribed and does not render the officer unfit for duty.
 - 9) For any positive test result or refusal, appropriate documentation of disciplinary action.
- b. For random drug testing, the records shall also include the following information:
- 1) A description of the process used to randomly select sworn law enforcement officers for drug testing;
 - 2) The date the random selection was made;
 - 3) A copy of the document listing the identities of those sworn law enforcement officers selected for drug testing;
 - 4) A list of those sworn law enforcement officers who were actually drug tested; and
 - 5) The date(s) those sworn law enforcement officers were drug tested.
- c. Drug testing records shall be maintained with the same level of confidentiality required for internal affairs files pursuant to the *New Jersey Internal Affairs SOP*.

Q. Central Drug Registry

1. The Central Drug Registry maintained by the Division of State Police shall be notified of the name of any law enforcement applicant, law enforcement trainee or sworn law enforcement officer who tested positive for the illegal use of drugs; are found to have been consuming or being under the influence of cannabis while at work/training or during work/training hours; or refused an order to submit to a drug test.
2. Any sworn law enforcement officer who tested positive for the illegal use of drug use; is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours; or refused 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 have his or her

name reported to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

3. Notifications to the Central Drug Registry maintained by the Division of State Police shall include the following information as to each individual:
 - a. The complete name and full address of the department with the Chief of Police listed as the contact person;
 - b. The name of the individual who tested positive;
 - c. The last known address of the individual;
 - d. The individual's date of birth;
 - e. The individual's social security number;
 - f. The individual's State Bureau of Identification number (*if known*);
 - g. The individual's gender;
 - h. The individual's race;
 - i. The individual's eye color;
 - j. The substance(s) the individual tested positive for or the circumstances of his or her being found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours, or circumstances of his or her refusal to submit a urine sample;
 - k. The dates of the drug test or refusal;
 - l. The dates of the individual's final dismissal or separation from service; and:
 - m. Whether the individual was a law enforcement applicant or a public safety telecommunicator applicant, law enforcement trainee, a sworn law enforcement officer or a public safety telecommunicator.
4. The certification section of the notification form shall be completed by the Chief of Police and notarized with a raised seal.
5. Notifications to the Central Drug Registry shall be sent to:

Division of State Police
State Bureau of Identification Central Drug Registry
P.O. Box 7068
West Trenton, NJ 08628-0068
6. Information contained in the Central Drug Registry may be released by the Division of State Police only under the following circumstances:

- a. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and:
- b. In response to a court order.

R. Notification to County Prosecutor

1. In the event of (1) a positive drug test by an officer or a public safety telecommunicator, (2) a refusal by an officer or a public safety telecommunicator to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer or a public safety telecommunicator, the Chief of Police 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, the Westfield Police Department shall report the discipline to the County Prosecutor or designee.
2. By December 31st of each year, the Westfield Police Department 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.

S. Public Accessibility and Confidentiality

1. The Westfield Police Department Drug Testing SOP shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section Q, also shall be made available to the public upon request and shall be posted on the agency website.
2. All written reports created or submitted pursuant to this SOP that identify specific officers are strictly confidential and **not** subject to public disclosure.