


WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

<h2 style="margin: 0;">WEST WINDSOR POLICE DEPARTMENT</h2> <h3 style="margin: 0;">Policies and Procedures</h3>		
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WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

I. PURPOSE

While drug use among law enforcement officers in New Jersey is undoubtedly minimal, it cannot and will not be tolerated even to the slightest degree. This agency is committed to ensuring that its sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling the responsibilities of their position. Every officer is expected to obey the laws of this state and country, including those concerning the illegal use of drugs. Violations of these laws are intolerable.

The purpose of this policy is to safeguard the agency, its members and the community from the unpredictable actions of law enforcement personnel who may engage in the illegal use of drugs. This policy further provides notice to its members that the agency takes a zero tolerance stance against illegal drug use by sworn law enforcement personnel within the West Windsor Township Police Department.

II. POLICY

This policy applies to all sworn members of the West Windsor Township Police Department, regardless of rank or assignment. It is the policy of this agency that sworn law enforcement personnel are subject to urine testing for illegal drug use when *reasonable suspicion* exists to believe that the officer is illegally using drugs, or when officers have been *randomly selected* to submit to a drug screen test.

It is the policy of this department that a negative test result is a continued condition of employment as a sworn employee. Any officer, who has a test that is positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful request, shall be terminated from this agency as detailed below. For purposes of this policy, a lawful request is recognized as a lawful order.

III. PROCEDURE

A. Reasonable Suspicion Testing

Urine specimens shall be requested from an officer whenever there exists reasonable suspicion to believe that an officer is illegally using drugs.

- 1) Upon a report from any source that an officer may be illegally using drugs, the internal affairs officer and the Chief of Police shall immediately be notified. If the officer believes the subject officer to be impaired during the course of his official duties, the Reasonable Suspicion Observed Behavior Report shall be completed.
- 2) Upon the direction of the Chief of Police, the internal affairs supervisor will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use. The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
 - a. The nature and source of the information;

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- 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.
- 3) The internal affairs investigator shall document findings in a written report.
 - 4) The written report shall be submitted to the Chief of Police for a determination if reasonable suspicion exists that the officer has engaged in illegal drug use.
 - 5) If the Chief of Police or the county prosecutor determines that reasonable suspicion of illegal drug use exists, the officer shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below.
 - 6) Under emergent circumstances, the Chief of Police may give *verbal approval* for the testing with reasonable suspicion. In such a case, a written report shall be made not more than 72 hours after the verbal authorization. The Chief of Police may seek advice of the Prosecutor.

B. Random testing

- 1) Random selection shall be defined as a method of selection by which each and every sworn member of the West Windsor Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
- 2) The Chief of Police shall determine the percentage of officers selected each time a random selection takes place.
- 3) The method of random selection shall be as follows:
 - a. The Chief of Police shall assign the internal affairs supervisor to conduct the selection process. ***A manual method of drawing names randomly by lot shall be used unless a computer software program is obtained by the police department specifically to ensure random sampling.***
 - b. At least ten percent (10%) of this department's sworn employees will be selected each time a random selection takes place.
 - c. Random selection shall occur not less than twice per calendar year.
- 4) The internal affairs supervisor will oversee the random drug testing selections.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- a. A representative of the affected collective bargaining unit shall be notified of an upcoming selection and be given an opportunity to be present as a witness to the selection process.
 - b. The internal affairs supervisor shall document the date of the selection, the selection method used, and the persons present at the time of the selection and the results of the selection.
- 5) Any member of the West Windsor Township Police Department who discloses the identity of an officer selected for random testing prior to the test or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to severe disciplinary action.

C. Notification of Officers

1. When it has been determined that *reasonable suspicion* exists, the internal affairs supervisor, or appropriate designee, shall go to the subject officer at the officer's work assignment and order that officer to accompany the internal affairs supervisor, or designee, to a designated lavatory to collect the specimen.
2. Officers selected for *random drug screening* shall be contacted by the internal affairs supervisor at their work assignment and shall immediately report to the designated lavatory to submit a urine sample. *In the event that the officer is not on duty or is on a leave, the officer will be ordered to give a proper urine sample(s) immediately upon returning to work, regardless of the length or reason for the leave.*
3. The request to provide a urine sample for drug screening is a direct order from the Chief of Police. No officer has the right to refuse the order; nor has the right to have a union representative or attorney present at the time the specimen is collected; nor has the right to delay the order for any reason.

D. Specimen Acquisition Procedures

1. The internal affairs supervisor will be responsible for the overall supervision of collection of the urine specimens. The Internal Affairs supervisor shall supervise the processing, collection and storage of urine specimens.
 - a. The Chief of Police shall designate a monitor (s) to oversee the specimen acquisition process.
 - b. The monitor shall always be of the same sex as the individual being tested.
 - c. The monitor of the specimen acquisition process shall be responsible for:
 - i. Ensuring that the individual submitting the specimen fully and accurately completes all documentation.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- ii. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - iii. Accompanying the officer into the designated lavatory and remaining there until the specimen is provided and the bottle is handed to the monitor.
 - iv. *In the absence of circumstances that indicate an attempt to adulterate or otherwise compromise the integrity of the specimen, the monitor shall not directly observe the officer filling the specimen bottle. If there is reason to believe that the subject officer will adulterate or otherwise compromise the integrity of the test process, the Chief of Police may direct the monitor to directly observe the officer filling the specimen bottle. The information that forms the basis of the belief shall be provided in a written report not more than 72 hours after the Chief of Police authorizes direct observation.*
 - v. The monitor shall comply with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the state toxicology laboratory for analysis.
 - vi. Prior to the submission of a urine specimen, officers shall complete a medical questionnaire clearly describing all medications, both prescription and over-the-counter (nonprescription), that he or she had ingested in the past 30 days. (Attachment a.).
 - vii. Prior to the submission of a urine specimen, the subject officer shall read and acknowledge by signature the "Officer Notice and Acknowledgement" form regarding penalties for either a failed drug test or a failure to provide urine samples.
- d. Both samples shall be acquired according to the procedures outlined herein.
 - e. Both samples shall be forwarded to the state medical examiner laboratory for testing. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
 - f. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
2. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
 3. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
 - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
 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 laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
 5. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

E. Specimen Collection

1. Individual specimens shall be identified by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the state toxicology laboratory.
2. Specimens shall be collected utilizing equipment and supplies approved by the state toxicology laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the state toxicology laboratory.
3. During specimen collection the subject officer shall:
 - i. Open the sealed urine specimen packet.
 - ii. Produce a urine sample into the large cup.
 - iii. Allow monitor to check the temperature of the sample.
 - iv. Split the sample into the two collection bottles.
 - v. Initial and date the two collection bottle seals, then place over the top of the two bottles.
 - vi. Place samples bottles into the collection bag and give the bag to the monitor.
4. Officers providing specimens shall be allowed individual privacy unless there exists a reason to believe that a particular individual may adulterate or otherwise compromise the integrity of the specimen.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

5. If the subject is unable to provide the sample when requested,

- i. He or she shall remain in the presence of the monitor until a sample can be provided.
 - ii. He or she shall be allowed to drink fluids.
 - iii. The subject shall continue to attempt to provide a sample up to two hours from the time of the initial attempt.
 - iv. If the subject is still unable to provide a sample, the Chief of Police shall be notified and shall determine whether the officer will remain in the presence of the monitor until further attempts to produce a sample are successful or whether the testing of the subject officer shall be discontinued.
 - v. If the Chief of Police determines to discontinue the testing, the subject officer shall be directed to obtain a medical evaluation to determine if the failure to provide a sample was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug screening process.
6. The monitor shall take possession of the sample.
7. The monitor shall inspect the bottle to make sure it has been properly sealed.
8. The monitor shall return the sample to the custody of the Internal Affairs supervisor or his designee at the testing processing desk.
9. The internal affairs supervisor or his designee shall place all samples in a secured (controlled access) and refrigerated storage area until it is delivered to the state toxicology laboratory.
10. Once the officer has relinquished the sample to the monitor and it has been accepted, the officer has fulfilled his or her obligation and shall not be ordered to resubmit a urine sample absent reasonable suspicion or another random selection.

F. Applicant Testing

1. The Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees should be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
3. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- inquiries. Therefore, the Drug Testing Medication Information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.
4. Agencies must notify applicants for law enforcement positions that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.
 5. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time, unless a positive test result requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.
 6. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the donor during the 14 days prior to the specimen collection. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal, and write their Donor ID on the envelope. The agency is responsible for submitting the envelope to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
 7. 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

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

G. Trainee Testing

1. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
2. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

G. Submission to the State Toxicology Laboratory

1. All urine samples for drug screening must be submitted to the state toxicology laboratory.
2. The specimens shall be stored in a controlled access refrigerator until such time as they can be delivered to the state toxicology laboratory.
3. Unless refrigerated, urine samples shall be delivered within one laboratory working day of acquisition. The samples will be hand-delivered by the Internal Affairs supervisor or other officer designated by the Chief of Police.
4. Any specimen showing evidence of tampering or damage will be rejected by the state toxicology laboratory.
5. The chain of custody from the collecting agency to the state laboratory will be fully documented.

H. Testing

1. The specimen shall be tested by the NJ State Medical Examiner toxicology laboratory for the presence of the following substances and their metabolites:
 - a. Amphetamines;
 - b. Barbiturates;

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- c. Benzodiazepine;
- d. Marijuana/Cannabis;
- e. Cocaine;
- f. Methadone;
- g. Phencyclidine; and
- h. Opiates.
- i. Oxycodone/Oxymorphone

(Marijuana/cannabis is only to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion sections herein..

I. Drug Testing Results

1. The Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
2. Under no circumstances shall this agency, or any individual from this agency, resubmit a specimen for testing, or ask that a particular specimen within the possession of the state toxicology laboratory be retested.
3. This agency shall notify the officer of the results of a positive test result as soon as practical after receipt of the report from the state toxicology laboratory. The subject officer shall be provided with a copy of the laboratory report.

J. Consequences of a Positive Test Result

1. Any officer who tests positive for illegal drug use shall be:
 - a. Immediately suspended from all duties without pay;
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the West Windsor Township Police Department;
 - c. Reported to central drug registry maintained by the Division of State Police;
 - d. Permanently barred from future law enforcement employment in New Jersey.

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

1. The Chief of Police shall make a determination whether an officer refused to submit to a drug test.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

2. Any officer who refuses to submit to a requested drug test ordered in response to reasonable suspicion or random selection shall be:
 - a. Immediately suspended from all duties without pay;
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the West Windsor Township Police Department;
 - c. Reported to central drug registry maintained by the Division of State Police;
 - d. Permanently barred from future law enforcement employment in New Jersey.

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.

L. Record Keeping

1. The Internal Affairs officer shall maintain all records related to the drug screening of the sworn members of the West Windsor Township Police Department.
2. For reasonable suspicion drug screening, the records shall include at least:
 - a. The identity of anyone ordered to submit urine samples;
 - b. The reason for that order;
 - c. The date the urine was collected;
 - d. The monitor of the collection process;
 - e. The chain of custody of the urine sample from the time it was collected until the time it was received by the state toxicology laboratory;
 - f. The results of the drug screening;
 - g. Copies of notifications to the subject;
 - h. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - i. For any positive result or refusal, appropriate documentation of disciplinary action.
3. For random drug screening, the records will include at least:
 - a. A description of the process used to randomly select officers for drug screening;
 - b. The date of that selection;
 - c. A copy of the document listing the identities of those selected for drug screening;
 - d. A list of those who were actually tested;
 - e. The date the urine was collected;
 - f. The name of monitor (s) of the collection process;
 - g. The chain of custody of the urine sample from the time it was collected until the time it was received by the state toxicology laboratory;

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

- h. The results of the drug screening;
- i. Copies of notifications to the subject;
- j. The disciplinary process initiated (dismissal), as a result of a positive test.
- k. The records of drug screening shall be maintained with the same level of confidentiality as all internal affairs files.

M. Central Drug Registry

1. The Chief of Police shall notify the Division of State Police, central drug registry, of the identity of any sworn law enforcement officers who test positive for the illegal use of drugs.
2. Notifications to the central drug registry shall include the following information as to each individual:
 - a. Name and address of the submitting agency;
 - b. Name of the individual who tested positive;
 - c. Last known address of the individual;
 - d. Date of birth;
 - e. Social security number;
 - f. SBI number (if applicable);
 - g. Substance the individual tested positive for;
 - h. Date of dismissal from the agency; and
 - i. Whether the individual was an applicant, trainee or sworn law enforcement officer.
3. Notifications to the central registry shall be sent to:

**Records and Identification Section
Division of State Police
P.O. Box 7068
West Trenton, New Jersey 08628**

N. Pre-Employment

1. Drug screening shall be conducted as part of the pre-employment process through the Medical Evaluation at Occupational Health. See Selection Process For Full Time Personnel policy 1:34.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

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

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

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

_____	_____	_____	_____
Signature of Applicant	Date	Signature of Witness	Date

ATTACHMENT B

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.

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

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

Signature of Trainee Date

Signature of Witness Date

ATTACHMENT 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

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

drug test.

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

Signature of Officer Date

Signature of Witness Date

ATTACHMENT 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		

WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURES

Drug Screening Policy (1:2)

2		
3		

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

Donor ID and Initials

Date