I. PURPOSE

The purpose of this policy is to conform to the revision of the New Jersey Attorney General's Guidelines for Law Enforcement Drug Testing for all sworn personnel, trainees and applicants.

II. POLICY

This policy will be applicable to all applicants, trainees and sworn law enforcement officers. The policy is to establish and provide standard operating procedures for drug screening. This policy does not apply to civilian employees.

III. PROCEDURES

This policy defines procedure related to the notification of all applicable to the drug testing process. The policy provides the type of testing and the method by which each sworn member of the department, regardless of rank or assignment, will have an equal chance of being selected for drug testing. The policy will establish the preliminary acquisition procedures of specimen, specimen collection and submission, along with consequences on negative results and/or refusals. The procedures will provide integrity to the testing process and privacy and confidentiality to all applicable tested.
IV. DEFINITIONS

- **Applicants:** A person who shows interest in a position who must undergo a pre-employment process.

- **Law Enforcement Trainee:** A person who has been considered for employment and subject to the Police Training Act while attending a mandatory basic training course.

- **Sworn Law Enforcement Officer:** A person who is responsible for the criminal laws of the State of New Jersey, come under the jurisdiction of the Police Training Act, and is authorized to carry a firearm under N.J.S.A. 2C:39-6.

- **Reasonable Suspicion Testing:** When there exists reasonable suspicion to believe that an officer and/or trainee is illegally using drugs.

- **Random Selection:** A method by which each sworn member of the department, regardless of rank or assignment, has an equal chance of being selected for drug testing each time a selection is conducted.

V. APPLICABILITY AND TYPES OF DRUG TESTING

A. Applicants

Applicants for a position as a law enforcement officer may be required to submit a urine specimen at any time prior to appointment.

B. Law Enforcement Trainees

1. Law enforcement trainees will be required to submit one or more urine specimens for testing 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. Individual trainees may 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 only with the approval of the county prosecutor, the Police Director or the academy director.

C. Sworn Law Enforcement Officers

1. Urine specimens shall be ordered from a law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered without the approval of the county prosecutor or the Police Director.

2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit a drug test as outlined under section VII. of this policy.

3. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.
VI. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

1. Applicants must be notified that the pre-employment process will include a drug testing.

2. Applicants employed by another agency as a sworn law enforcement will be notified, if the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results.

3. The notification shall also indicate that a negative result is a condition of employment and that a positive result will result in consequences as outlined under section XI.A. of this policy.

B. Trainees

All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. The notification will indicate that a negative result is a condition of employment and that a positive one and/or refusal to submit to a drug test will result in consequences as outlined under section XI.B. of this policy.

C. Sworn Law Enforcement Officers

All sworn law enforcement officers shall be informed that as part of their employment they are required to undergo unannounced drug testing through a random procedure or where there is reasonable suspicion of illegal drug use. The notification will indicate that a negative result is a condition of employment and that a positive one and/or refusal to submit to a drug test will result in consequences as outlined under section XI.C. of this policy.

VII. SWORN LAW ENFORCEMENT OFFICERS

A. Reasonable Suspicion Testing

1. A sworn law enforcement officer will be ordered to submit to a drug test when there is a reasonable suspicion believed that the officer is illegally using drugs.

2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, a report shall be prepared, documenting the basis for the reasonable suspicion. The report shall be reviewed by the county prosecutor or the Police Director before the test is ordered. Under emergent circumstances, approval may be given on a basis of a verbal report.

3. Reasonable suspicion to request a drug test is based on a totality of circumstances that include, but are not limited to:
   a. Abnormal conduct or aberrant behavior,
   b. information provided by reliable and credible sources; and
   c. observed difficulty in speaking, concentration, or movement, or the behavior characteristics symptomatic of controlled substance or drug usage.
   d. An employee under reasonable suspicion may be removed from duty pending the outcome of a drug test.

4. If there is reasonable suspicion that an employee is under the influence of alcohol, he or she shall be required to submit to a breath test administered by a trained individual in order to determine the blood alcohol concentration.
Screening test results of 0.04 g/dL or higher will result in a confirmatory test and the employee will be removed from duty pending the results.

B. Random Drug Testing

1. All sworn members of the agency are eligible for random drug testing, regardless of rank and assignment.

2. A random method of selection program will be used to select the officers when prompted. A minimum of 10% of the sworn officers will be selected each time by the Police Director, or his designee. The frequency and dates of selection shall be at the sole discretion of the Police Director.

3. A representative of the S.O.A. and P.B.A. may witness the selection process.

4. The Police Director, Internal Affairs Officer, Administrative Commander, S.O.A. and P.B.A. representative shall sign a form verifying the selection.

5. The Police Director and the Internal Affairs Officer shall sign a Confidential Form which shows the random selection and number to name conversion.

6. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.

7. Officers off-duty, vacation, injured, medical or personal leave, shall be tested upon their return to duty.

VIII. SPECIMEN ACQUISITION PROCEDURE

A. Preliminary Acquisition Procedures

1. The Director shall designate a member of the staff, Internal Affairs and/or the Administrative Commander to act as the monitor(s). The monitor(s) shall always be the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.

2. The monitor shall ensure the appropriate documentation is fully and accurately completed by the individual being tested.

3. The monitor shall collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the testing process.

4. Forms to be executed prior to submission of specimen are as follows;

   a. Applicants

      1) 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).
2) Applicants shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.

b. Trainees

Prior to submission of a urine specimen, a trainee shall execute the Trainee Notice & Acknowledgment (Attachment C) and medical questionnaire (Attachment B).

c. Sworn Law Enforcement Officer

Prior to submission of a urine specimen, a sworn law enforcement officer shall execute the Officer Notice & Acknowledgment (Attachment D) and medical questionnaire (Attachment B).

B. Specimen Collection

1. The identity of the individuals submitting a urine specimen shall remain confidential. They shall be identified only by the use of social security numbers.

2. Specimens will be collected utilizing only equipment and supplies approved by the State Toxicology Laboratory.

3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.

4. Trainees and officers shall complete the medical questionnaire, place it in an envelope and seal it, and initial the seal.

5. The monitor of the specimen acquisition process shall be responsible for:

   a. Ensure that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).

   b. The specimen is comprised of two samples provided by the donor.

   c. Collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the specimens and in adherence to the guidelines specified within the Attorney General Guidelines. Individual specimens and forms shall be identified throughout the process by the use of social security numbers.

   d. Ensure that the chain of custody procedures established for the collection of urine specimen and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to.

6. The second specimen:
a. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.

b. The Department shall maintain possession of the second specimen for a period of sixty (60) days or until the department receives notification from the State Toxicology Lab that specimen one tested negative for the presence of controlled substances.

c. The second specimen shall be released under the following circumstances; the department is notified by the State Toxicology Lab that the first specimen tested positive for controlled substances.

- The department is advised by the individual that tested positive that they wish to have the specimen tested independently; and

- The individual designates a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act, to conduct the independent test; and

- A representative of said licensed clinical laboratory designated by the individual, takes possession of the second specimen 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.

7. The State Toxicology Laboratory shall analyze each specimen for the following substances and metabolites:

   a. amphetamine/methamphetamine
   b. barbiturates
   c. benzodiazepine
   d. cannabinoids
   e. cocaine
   f. methadone
   g. phencyclidine
   h. opiates
   i. oxycodone/oxymorphone

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

IX. CONSEQUENCES OF A POSITIVE RESULT AND/OR A REFUSAL TO SUBMIT TO A DRUG TEST

A. Applicants

1. Shall be immediately removed from consideration for employment.

2. Shall be reported to the Central Drug Registry maintained by the Division of State Police (Attachment E).
3. Shall be barred from consideration for future law enforcement employment by any agency in New Jersey for a period of two years.

B. Trainees
1. Shall be immediately dismissed from basic training and suspended from employment.
2. Shall be terminated from employment as a law enforcement officer upon final disciplinary action.
3. Shall be reported to the Central Drug Registry maintained by the Division of State Police (Attachment E). On a refusal to submit to a drug test note same on form.
4. Shall be permanently barred from future law enforcement employment in New Jersey.

C. Sworn Law Enforcement Officer
1. Shall be suspended from all duties.
2. Shall be terminated from employment as a law enforcement officer upon final disciplinary action.
3. Shall be reported to the Central Drug Registry maintained by the Division of State Police. (Attachment E). On a refusal to submit to a drug test note same on form.
4. Shall be permanently barred from future law enforcement employment in New Jersey.
5. 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 prior to completion of final disciplinary action, shall be reported to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

X. RECORD KEEPING
Internal Affairs shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers with a level of confidentiality.

By Order Of:  

\[Signature\]  
Todd R. Warren  
Director of Police  

By Order Of:  

\[Signature\]  
Captain V. Vitiello  
Chief Law Enforcement Officer  

Date: 10-9-2018  
Date: 10-9-18
# NOTIFICATION TO THE CENTRAL DRUG REGISTRY

<table>
<thead>
<tr>
<th>AGENCY SUBMITTING</th>
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<tbody>
<tr>
<td>AGENCY</td>
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<tr>
<td>ADDRESS</td>
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<tr>
<td>CONTACT PERSON</td>
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<tr>
<th>PERSON TO BE ENTERED</th>
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<tbody>
<tr>
<td>NAME</td>
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<td>THIS PERSON WAS.</td>
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<th>ADDRESS</th>
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<td>CITY</td>
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| DOB | SSN | SBI NUMBER (IF KNOWN) |

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<th>REASON FOR NOTIFICATION</th>
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<tr>
<td>THE PERSON LISTED ABOVE a TESTED POSITIVE FOR (IDENTIFY SUBSTANCE)</td>
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<tr>
<td>OR a REFUSED TO SUBMIT A URINE SAMPLE</td>
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| DATE OF THE DRUG TEST OR REFUSAL | DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY |

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<thead>
<tr>
<th>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</th>
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<tr>
<td>I hereby affirm that the above information is true and correct to the best of my knowledge</td>
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<tr>
<td>Print Name                              Title                                     Signature</td>
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<tr>
<td>Sworn and subscribed before me this day of</td>
</tr>
<tr>
<td>(Seal)</td>
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Mail to: Division of State Police  
Records and Identification Section  
P.O. Box 7068  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068  

Attachment E
DRUG TESTING
OFFICER NOTICE AND ACKNOWLEDGMENT

I understand that as part of my employment with the Orange Police Department 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                      Date                                    Signature                      Date

Attachment D
DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

I _______________________ understand that as part of the program of training at the Orange Police Department 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                              Date

_________________________  __________________________
Signature                              Date

Attachment C
**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:

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<tr>
<th>Name of Medication</th>
<th>Prescribing Physician</th>
<th>Date Last Taken</th>
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B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

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<th>Name of Medication</th>
<th>Date Last Taken</th>
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C. During the past 14 days, I have taken NO prescription or non-prescription medications.

__________________________  ______________________
Social Security Number and Initials    Date

__________________________  ______________________
Signature of Witness    Date

Attachment B
DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

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

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

__________________________  ______________________
Signature                    Date

Attachment A