

LONG HILL TOWNSHIP POLICE DEPARTMENT POLICY & PROCEDURES			
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SUBJECT: Law Enforcement Drug Testing			
BY THE ORDER OF: Acting Chief of Police Ahmed Naga		ACCREDITATION STANDARDS:	
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POLICY: The following methods and procedures apply when a law enforcement officer who is authorized to carry a firearm pursuant to 2C:39-6 is ordered to submit to a drug test through urinalysis for the purpose of determining illegal use of drugs.

Urine samples shall be ordered from a law enforcement officer when there exist facts that provide a reasonable objective basis to suspect the officer is illegally using drugs. Urine samples shall not be ordered from an officer without the approval of the county prosecutor or the chief executive officer of the agency or someone acting in that capacity during his absence.

Urine specimens may be ordered from SLEO II or sworn law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each every SLEO II and sworn member of the Long Hill Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

PROCEDURE:

I. Applicability.

- A. This policy applies to applicants for the position of police officer, law enforcement trainees subject to the Police Training Act while they attend a mandatory basic training course and SLEO II and sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State.

II. Trainee.

- A. 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 rules regulation established by the Police Training Commission.
- B. Individual trainees may also be required to submit 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 of Police, or the academy director.
- C. Notification of Drug Testing Procedures
 - 1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that negative result is a condition of employment and that a positive result will result in:
 - a. The officer's termination from employment and,
 - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police and
 - c. The officer permanently barred from future law enforcement employment in New Jersey.
 - 2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

III. Applicant.

- A. Applicants for SLEO II and sworn law enforcement positions will be required to submit a urine specimen at a time prior to appointment.
- B. Notification of Drug Testing Procedures
 - 1. The Long Hill Police Department shall notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment as a SLEO II or

sworn officer and that a positive result will result in:

- a. 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. 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 will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

IV. Sworn Law Enforcement Officers and Special Law Enforcement Officers Class II.

- A. Urine specimens shall be ordered from a SLEO II or sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the Morris County Prosecutor or the Chief of Police.
- B. Urine specimens may be ordered from law enforcement officers who have been randomly selected to submit to a drug tests. Random selection shall be defined as a selection in which each and every SLEO II and sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
- C. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.
- D. Notification of Drug Testing Procedures - Reasonable Suspicion
 1. Individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
 2. Before an officer may be ordered to submit to a drug test based upon reasonable suspicion, the Internal Affairs Officer shall prepare a written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the Morris County Prosecutor or the Chief of Police before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
 3. A negative result is a condition of employment as a SLEO II or sworn officer and that a positive result will result in:
 - a. The officer's termination from employment;
 - b. Inclusion of the officer's name in the central drug registry maintained

by the Division of State Police;

- c. The officer being permanently barred from future law enforcement employment in New Jersey.
 4. Officers who refuse to submit to a drug test based upon reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officer who test positive for illegal use of drugs.
- E. Notification of Drug Testing Procedures - Random Drug Testing
1. Each and every member of the Long Hill Police Department is eligible for random drug testing, regardless of rank or assignment.
 2. An employee's badge number that is selected can be waived from producing a specimen based upon health reasons, vacation or situations deemed appropriate by the Chief of Police. The waiver from testing shall be consistently applied and documented on an administrative waiver form, (appendix # 1).
- F. Drug Testing Procedures - Random Drug Testing
1. Three officers shall be selected each time a selection takes place (2 times per year).
 - a. The agency shall ensure that the random selection shall be at least 10 percent of the total number of SLEO II and sworn officers employed by the Long Hill Township Police Department for each testing process.
 2. Each and every SLEO II and sworn members' name of the Long Hill Police Department shall correspond to a random number which will be written on a blank washer.
 3. The numbered washers shall be placed in an opaque bag for the random selection.
 4. Present during the selection will be the Chief of Police, the drug testing monitor and a union representative (P.B.A.). Only the drug testing monitor or his/her designee will be present when the urine sample is taken.
 5. The numbers selected will be verified by the witnesses and documented by the drug testing monitor. The monitor will complete the selection verification form, (appendix # 2).
 6. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline. Each member shall sign a disclosure form at each random selection drawing, (appendix # 3).
 7. The drug testing monitor shall be responsible for the immediate collection of the specimen in a prompt, efficient and confidential manner.

8. Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officer who test positive for illegal use of drugs. A SLEO II or 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.

V. Specimen Acquisition Procedures.

A. Preliminary acquisition procedure

1. The Chief Police of the Long Hill Police Department or their designee shall serve as the drug testing monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested. If a female member is selected to provide a urine specimen, arrangements will be made to have a female employee of the police department substitute for the monitor during the specimen acquisition phase. If the monitor is selected to provide a urine specimen, then the Chief of Police will substitute as the monitor with all its responsibilities.
2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - b. Collecting specimens in a manner provided for individual privacy while ensuring the integrity of the specimen.
 - c. Complying with chain of custody procedures established for the collection of urine specimens and subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
3. 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, (appendix #4). The form shall also advise the applicant 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 a central registry maintained by the Division of State Police
 - c. Preclude the applicant from being considered from future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire 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.

4. Prior to the submission of a specimen, a trainee enrolled in a basic training course shall execute a form, (appendix #5) advising the trainee that a negative result is a condition of employment and that a positive result will:
 - a. Result in the trainee being dismissed from the basic training;
 - b. Cause the trainee to be dismissed from employment as law enforcement officer by the Long Hill Police Department;
 - c. Cause the trainee's name to be reported to the a central registry maintained by the Division of State Police
 - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
5. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days, (appendix #6).
6. Prior to the submission of a urine specimen, SLEO II or sworn law enforcement officers shall complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days, (appendix #6).

B. Specimen collection:

1. Throughout the test process, the identity of individual applicants, trainees, SLEO II and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on the form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will 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. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
 - a. The monitor shall inspected the appropriate forms for accuracy. The monitor shall use the checklist to ensure all procedural elements have been addressed, (appendix # 7).
 - b. The monitor shall inspect the area where the urine specimen will be produced.

- c. The monitor shall flush the toilet prior to the employee entering to produce a specimen.
 - d. The employee shall empty all pockets prior to entering the lavatory facility to produce the specimen.
 - e. Only one employee at a time shall enter the area to produce a specimen.
 - f. The selected employee and the monitor shall wash their hands prior to a specimen being produced.
 - g. The monitor shall wear latex gloves during the acquisition process.
 - h. The applicant, trainee, SLEO II and sworn officer shall void into the specimen collection container provided by the monitor.
 - i. After the specimen has been produced, the monitor will drop the selected employee's social security number written in pencil on a piece of paper into the urine specimen.
 - j. The individual shall seal the specimen container and provide it to the monitor.
 - k. The monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. The monitor must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
 5. Individuals that are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under the supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was a result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
 6. Trainees, SLEO II and sworn law enforcement officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
 - a. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
 - b. The law enforcement agency shall maintain possession of the

second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.

- c. The second specimen shall be released by the law enforcement agency under the following circumstances:
 - 1) The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
 - 2) The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 - 3) The officer must designate 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
 - 4) A bonded courier from the designated licensed clinical laboratory shall be the only representative allowed to take possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

VI. Submission of Specimen for Analysis.

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- B. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 - 1. Submission of the specimens to the State Toxicology Laboratory shall be accompanied by the drug testing monitor or his/her designee.

VII. Analysis of Specimens.

- A. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for the law enforcement agencies:
 - 1. All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
 - 2. Those specimens that test positive for controlled substances following the

florence polarization immunoassay, shall be subject to gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled substance.

3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography/mass spectrophotometry, a medical review officer at the laboratory shall compare the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that specimen tested positive.
4. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. Amphetamine/methamphetamine;
 - b. Barbiturates;
 - c. Benzodiazepine;
 - d. Cannabinoids;
 - e. Cocaine;
 - f. Methadone;
 - g. Phencyclidine; and
 - h. Opiates.
5. Every law enforcement executive may request that one or more specimens be analyzed for the presence of steroids.
6. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of the test reports.

VIII. Drug Test Results.

- A. The State Toxicology Laboratory shall notify the submitting law enforcement agency of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within 15 working days of the submission. The State toxicology laboratory will, upon request, provide the submitting agency with written documentation that one or more specimens submitted for analysis tested negative.
- B. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that

test with the medical questionnaire pertinent to that specimen.

- C. The submitting agency shall notify the applicant, trainee, SLEO II or sworn law enforcement officer of the results of the positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

IX. Consequences of a Positive Drug Test Result.

- A. When an applicant tests positive for illegal drug use:
 - 1. An applicant shall be immediately removed from consideration for employment by the Long Hill Police Department;
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Long Hill Police Department; and
 - 3. The applicant shall be precluded from consideration from future law enforcement employment agency in New Jersey for a period of two years.
 - 4. Where the applicant is currently employed by another agency as a SLEO II or sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be dismissed from basic training and suspended from employment by the Long Hill Police Department;
 - 2. The officer's termination from employment as a law enforcement officer, upon final disciplinary action by the Long Hill Police Department;
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a SLEO II or sworn law enforcement officer tests positive for illegal drug use:
 - 1. The officer shall be immediately suspended from all duties;
 - 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Long Hill Police Department;

3. The officer shall be reported to Central Drug Registry maintained by the Division of State Police by the Long Hill Police Department; and
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

X. Consequences for Refusal to Submit to a Drug Test.

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

XI. Recordkeeping.

- A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. Each agency's drug testing records shall include but not be limited to :
 1. For all drug testing:
 - a. The identity of those ordered to submit urine sample;
 - 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 testing;
 - 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; and
 - i. For any positive result or refusal, appropriate documentation of disciplinary action.
2. For random drug testing, the records will also include the following information:
- a. A description of the process used to randomly select officers for drug testing;
 - b. The date selection was made;
 - c. A copy of the document listing the identities of those selected for drug testing;
 - d. A list of those who were actually tested; and
 - e. The date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XII. Central Drug Registry.

- A. See Central Drug Registry located in Long Hill Township Police Department Policy and Procedure "Background Investigations."
- B. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
 - 1. In response to an inquiry from a law enforcement agency as part of a background investigation process for prospective or newly appointed personnel.
 - 2. In response to a court order.