

Personnel PE004.10	
<i>Personnel: Drug Testing</i>	
Effective Date:	Archived Date:
March 20, 2018	
Attorney General Guideline / Bergen County Prosecutor Dir. # / Issuing Authority:	
NJ. Attorney General	
Approved By:	
Chief Jacqueline Luthcke	
Last Updated:	
Description of Update:	



Ridgewood Police Department
Written Directive System
Policies and Procedures

The Ridgewood Police Department has a legal responsibility and management obligation to ensure a safe work environment; as well as a paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use, or drug abuse.

The purpose of this document is to establish a policy and procedure consistent with the guidelines established by the Attorney General of the State of New Jersey regarding drug testing of law enforcement officers. Although this directive normally applies to applicants, recruits and in-service sworn personnel, sufficient inferences can be drawn to apply the provisions of this directive to non-sworn police personnel in the area of reasonable suspicion drug testing or fitness for duty drug testing.

It shall be the policy of Ridgewood Police Department that all sworn officers adhere to the procedures contained within this policy as well as the State of New Jersey Attorney General's Law Enforcement Drug Testing Guidelines for sworn law enforcement officers.

TABLE OF CONTENTS

Table of Contents.....	2
Definitions	3
Article I. Prohibited Activity.....	4
Article II. General Policy	6
Section 2.01 Affected Personnel	6
Section 2.02 Types of Drug Testing.....	7
Medical Information Form Use	7
Section 2.03 Random Drug Testing – Law Enforcement Officers	9
Section 2.04 Notification of Drug Testing Procedures.....	10
Section 2.05 Types of Positive Responses	11
Article III. Random Selection.....	12
Article IV. General Specimen Acquisition Procedure.....	14
Section 4.01 Acquisition Monitor selection and Responsibilities.....	14
Section 4.02 Applicant Testing – Preliminary Forms.....	14
Section 4.03 Trainee Testing - Forms.....	15
Section 4.04 Sworn Officer Testing - Forms.....	15
Article V. Specimen Collection	16
Section 5.01 Identifying Persons Being Tested	16
Section 5.02 Approved Supplies	16
Section 5.03 Specimen Collection Procedure	16
Section 5.04 Specimen Collection Guidelines.....	18
Section 5.05 Inability to Produce Specimen.....	18
Article VI. Submission for Analysis.....	19
Section 6.01 Authorized Testing Facilities	19
Section 6.02 Submission of Specimens	19
Section 6.03 State Lab Positive Result Procedures	20
Article VII. Results of Testing	20
Article VIII. Record Keeping	22
Article IX. Report to Central Drug Registry.....	23

DEFINITIONS

Applicant	is any person who applies for the position of patrol officer in Ridgewood Police Department.
Approved Leave	A pre-approved 'extended' leave of absence of an employee, where the officer is not expected to return to work for a significant period of time. (e.g. Military Leave/Deployment, extended sick leave, etc.)
Recruit / Trainee	is any appointee who is undergoing mandatory basic training at a New Jersey Police Training Commission approved police academy
Officer	is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state.
Supervisor	is an officer formally assigned to a position having day-to-day responsibility for supervising sworn and non-sworn personnel, or who are responsible for commanding a work unit.
Employee	includes any civilian employee assigned to or under the supervision of the police department.
Drug Test	is the compulsory production and submission of urine by an employee in accordance with these established procedures, for laboratory analysis to detect prohibited drug use.
Positive Result	is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis and a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed on the report does not explain the test result.
Random Selection	is defined as the method by which every police officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.

**Reasonable
Suspicion**

Is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

Article I. PROHIBITED ACTIVITY

The following rules shall apply to all employees of the Ridgewood Police Department while on or off duty:

- 1.1 No employee shall *illegally* possess any controlled substance.
- 1.2 No employee shall *illegally* use any controlled or other dangerous substance unless prescribed by a licensed medical practitioner.
- 1.3 Employees who are prescribed a medication which is commonly known to have effects that may impair an employee's performance or decision making abilities SHALL submit Memorandum to the Chief of Police.
 - 1.3.1 The memo shall include:
 - Name of the medication;
 - Dosage;
 - Date prescribed;
 - Length of time expected to be taking medication;
 - Name of medical professional prescribing medication.
 - 1.3.2 Upon receipt, the Chief of Police, or the Chief's Designee, shall determine if there is an immediate need to remove the employee from duty, if applicable.
 - 1.3.3 Upon review, the Chief of Police, or the Chief's designee, will determine the status of the employee, while the employee is taking the medication. This status may include, but is not limited to:
 - Being permitted to perform normal duties while using the prescribed medication;
 - Assigned to modified or "Lite" Duty while using the prescribed medication; or,
 - Removal from duty, while using the prescribed medication.
 - Employees who are removed from duty whilst using medications may be required to utilize sick days or sick leave.

- 1.3.4 The memorandum is to be stored in a secure location (e.g. the Medical File within the Personnel File for the Officer).
- 1.4 No employee will use any prescribed or over-the-counter medication in amount over the recommended dosage, unless specifically told to do so by a medical professional.
 - 1.4.1 When an employee is directed to use a medication in an amount over the recommended dosage by a medical professional, and the employee feels that the over-dosage may have an effect on the employee's work performance, the employee is to submit a memorandum in a manner prescribed in section 1.3 of this policy.
- 1.5 Any employee who, while on duty or immediately prior to reporting for duty, unintentionally uses, or is made to use, a controlled substance shall immediately report the incident to their supervisor so that appropriate medical steps may be taken, if necessary, to ensure the officer's safety and health.
- 1.6 An employee who inadvertently, or accidentally, uses any medication not prescribed to the employee while off-duty should submit a memorandum to the Chief of Police as soon as possible following the use.
- 1.7 In the event that the supervisor believes that the use was suspicious in nature, the supervisor may forward the matter to the Internal Affairs unit for review.
- 1.8 Any employee, having reasonable suspicion that another employee is illegally using or possessing an illegal controlled substance, shall immediately report his/her suspicions to their supervisory officer.

Article II. GENERAL POLICY

██████████ AFFECTED PERSONNEL

Drug testing may be categorized by the employment status of the individual being tested, and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required for all police applicants and trainees.

Pursuant to Attorney General Directive 2018-2, Law Enforcement Agencies are required to implement a random drug testing program for all sworn officers in their departments. Further, Law Enforcement have an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

The Ridgewood Police Department's policy applies to the following personnel:

- 2.1 Employees in probationary status; and,
- 2.2 Sworn 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.
- 2.3 Any employee, under reasonable articulable suspicion that the employee is illegally using a controlled substance may be required to submit to testing, following rules and regulations covered in the Village of Ridgewood Human Resources Manual.
- 2.4 In the event that the Ridgewood Police Department begins to implement the use of SLEO II and SLEO III classified officers, those officers will be included in the random testing process.
- 2.5 Random Drug Testing, as it applies to Attorney General requirements, shall only be conducted on:
 - Municipal police officers who enforce criminal laws; and,
 - Officers who fall under the Police Training Act; and,
 - Only those officers who are permitted to carry a firearm under 2C:39-6.

2.2 Applicant Testing – For Law Enforcement Positions.

The Law Enforcement 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 test prospective employees for the presence of illegal drugs, at any point, during the pre-employment process.

In addition, applicants for employment may be tested as many times as the Ridgewood Police Department feels necessary to ensure that applicants are not engaged in the illegal use of drugs.

2.2.1 Applicants may be required to submit a urine specimen **at any time** prior to appointment.

2.2.2 A negative result is a condition of employment.

2.2.3 A positive result, or a refusal to submit a specimen for testing, will result in:

- The applicant being dropped from consideration for employment;
- Cause the applicant's name to be reported to the central drug registry maintained by the New Jersey State Police; and,
- Prohibition from being considered for future law enforcement employment for a period of two years.

MEDICAL INFORMATION FORM USE

The Ridgewood Police Department shall conform to provision of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. A medical information form **SHALL NOT** be used at an application stage, unless positive test result requires an explanation by the applicant.

Trainees – Law Enforcement Officer -

Individuals who have been hired by the Ridgewood Police Department as law enforcement officers, who are required to attend and successfully complete mandatory basic police training course (which has been approved by the Police Training Commission), are subject to testing during their attendance at a police academy. Trainees will be tested in a manner prescribed by Police Training Commission Policy.

2.2.4 All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.

2.2.5 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 a controlled substance. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Director of the trainee's agency, or the Academy Director.

Law Enforcement Officers – Reasonable Suspicions Testing -

Sworn Officers of the Ridgewood Police Department shall be required to submit to a urine specimen, for testing, when there exists reasonable suspicion to believe that the officer is illegally using drugs.

Reasonable suspicion “requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking place, or has taken place, and that a particular individual is involved in that drug activity”¹.

The reasonable suspicion standard is “less demanding” than the probable cause standard in two ways². First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Secondly, the type of information used to satisfy the reasonable suspicion standard may be “less reliable than that required to show probable cause”.

The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:

- The nature and source of information;
- Whether the information constitutes direct evidence, or is hearsay in nature;
- The reliability of the informant or source;
- Whether corroborating information exists and the degree to which it corroborates the accusations; and,
- Whether and to what extent the information may be stale.

Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination.

¹ Caldwell v. N.J. Department of Corrections, 250 N.J. Super 592 (App Div. 1991) cert. denied, 127 N.J. 555 (1991)

² Drake v. County of Essex, 275 N.J. Super. 592, 609 (App. Div. 1994)

2.2.6 Reasonable suspicion testing procedures are as follows:

2.2.6.a Before an officer may be ordered to submit to a drug test based on reasonable suspicion, this agency shall prepare a written report which documents the basis for the reasonable suspicion.

2.2.6.b The report shall be reviewed by the County Prosecutor or the Director before a reasonable suspicion test may be ordered.

2.2.6.c Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

2.2.6.d When a drug test is ordered based on reasonable suspicion, a negative result is required as a condition of employment as a sworn officer and that a positive result will result in:

- The officer's termination from employment;
- Inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and,
- The officer being permanently barred from future law enforcement employment in New Jersey.

2.2.6.e The collection process for the specimen will mirror that which is used for random drug testing.

2.2.7 Law enforcement officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, are subject to the same penalties as those officers who test positive for the illegal use of drugs.

RANDOM DRUG TESTING – LAW ENFORCEMENT OFFICERS

Random drug testing of officers is required by AG Directive 2018-2. Random selection is defined as a method of selecting employees for drug testing in which every member of the Ridgewood Police Department, regardless of rank or assignment, has an equal chance of being selected each time a random test is conducted³.

The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the Ridgewood Police Department. AG Directive 2018-2 states that a minimum of ten percent of the sworn officers within an agency be randomly tested each time, and a minimum of two (2) tests must be conducted each year.

³ New Jersey Transit Police P.B.A. Local 304 vs. N.J. Transit Comp. 290 NJ Super 406, 432 (App. Div. 1996)

- 2.3.1 Random drug testing shall be conducted in a manner prescribed by this policy in addition to Attorney General Guidelines and Bergen County Prosecutor Directives (see Article III for further information).
- 2.3.2 Random drug testing cannot be completed until this policy has been in place for a minimum of sixty days (60 days). This is to include each time this policy is updated or edited.

NOTIFICATION OF DRUG TESTING PROCEDURES

2.4.1 Notifications - Applicants

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 result in:

- 2.4.1a the applicant being dropped from consideration for employment;
- 2.4.1b the applicant's name to be reported to the central drug registry, maintained by the New Jersey State Police;
- 2.4.1c the applicant being precluded from future law enforcement employment for a period of two (2) years from the date of the drug test.
- 2.4.1d a notification of the current employer if the applicant is currently employed by a law enforcement agency and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.
- 2.4.1e being informed that their refusal to submit to testing shall result in their no longer being considered for law enforcement employment in New Jersey.

2.4.2 Notifications - Trainees

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 a negative result is a condition of employment. A positive result will result in:

- 2.4.2a The trainee being dismissed from the Police Academy;
- 2.4.2b The trainee's termination from employment with this agency;
- 2.4.3c The trainee's name to be reported to the central drug registry, maintained by the New Jersey State Police;
- 2.4.2d The trainee being permanently barred from future law enforcement employment in New Jersey.

2.4.3 Notifications – Sworn Officers

Sworn officers of this department shall be made aware, by the presence of this policy, that reasonable suspicion testing and random testing are applicable, and a negative result is a condition of employment.

Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. 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.

2.4.4 Police Academies are responsible to include drug testing policies in their rules and regulations.

TYPES OF POSITIVE RESPONSES

The following are the types of “positive responses” that can be produced as it relates to the Random Drug Testing process:

2.5.1 Positive

A positive test result that indicates the presence of a substance not listed on any of the required forms.

2.5.2 Positive with an Explanation

Indicates that a positive result was found in the testing process; however the officer has indicated that he/she is currently prescribed that medication and is taking it consistently with physician recommendations.

2.5.2a In the event that an officer’s testing results come back from the NJSTL with a “Positive with an Explanation” response, the following will take place:

- An Internal Affairs Case Number will be started;
- The Internal Affairs Officer, assigned to the case, shall follow all Internal Affairs policies and procedures;
- Any prescriptions, documents, statements or other forms of proof shall be provided by the officer to the Internal Affairs officer, as needed and by request;
- The Internal Affairs Officer will conclude the investigation and submit a report, as per policy, to the Chief of Police, or the Chief’s designee.

2.5.2b If the officer is able to authenticate the medication in question (i.e. from a prescription, a doctor’s note, etc.) then the Ridgewood Police Department is not required to immediately suspend⁴ the officer, nor is there a requirement to report the officer to the Central Drug Registry because the test results, albeit positive, were properly explained and vetted.

⁴ Immediate suspension of the employee will be at the discretion of the Chief of Police, or the Chief’s designee.

Article III. RANDOM SELECTION

- 3.1 The method of selection shall be at the discretion of the Selection Committee and approved by the Chief of Police.
- 3.2 Urine specimens shall be ordered from in-service police officers who have been randomly selected to submit to a drug test.
- 3.2.1 All sworn members of this agency are eligible for random drug testing, regardless of rank or assignment.
- 3.2.2 At least ten percent (10%) of the sworn officers shall be selected each time. The frequency and dates of the selection shall be at the sole discretion of the Chief of Police, or the Chief's designee.
- 3.2.2.a N.J. Attorney General Guidelines require that testing be conducted at least semi-annually.
- 3.2.2.b B.C. Prosecutor's Office has requested that all testing be conducted prior to November 30th of each year.
- 3.2.3 There will be no prior notice given of the dates of the selection process or the collection of the samples.
- 3.2.4 A representative of the collective bargaining units will observe the selection process.
- 3.2.5 The Chief of Police, or the Chief's designee, shall form a Selection Committee.
- 3.2.5.a The Committee should minimally consist of:
- The Chief of Police;
 - A second member of the Command Staff;
 - A member of the Internal Affairs Unit; and,
 - A representative of the Collective Bargaining Unit.
- 3.2.5.b In the event that a member of the committee is randomly selected for testing, the committee member shall be excused from the committee and not permitted to have any further involvement in the procedural portion of the testing process.
- 3.2.5.c In the event that the member of the committee that is selected for random testing is the representative from the Collective Bargaining Unit, the

Collective Bargaining Unit shall choose another member to observe the process.

- 3.2.6 The selection process and the names of the officers selected will be documented in a written report prepared by a member of the committee. The report will be stored in the Internal Affairs Files.
- 3.2.7 Officers selected for random drug testing will be notified, while on duty, by the Internal Affairs Officer and required to submit a urine specimen at that time. The specimen acquisition process will be kept confidential.
- 3.3 A negative test result is a condition of continued employment.
- 3.4 A positive test result will result in the following:
 - 3.4.1 The officer shall be immediately suspended from all duties;
 - 3.4.2 The officer shall be terminated from employment as a police officer upon final disciplinary action;
 - 3.4.3 The officer's name shall be reported to the central drug registry maintained by the State Police; and,
 - 3.4.4 The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
- 3.5 Officers who refuse to submit to random drug testing are subject to the same penalties as section 3.4 of this policy.
- 3.6 Officers who are **temporarily unavailable** due to being excused from duty for a short time (e.g. vacation day, compensatory time, sick day, etc.) will be immediately tested upon their return, without exception.
- 3.7 Officers who on Approved Leave may be exempt from random testing, at the discretion of the Chief of Police, or the Chief's designee.
- 3.8 Any employee of the Ridgewood Police Department who discloses the identity of an officer selected for random drug testing, the fact that a random drug test is scheduled, or that they had supplied a sample for random drug testing, may be subject to disciplinary action.
- 3.9 Only urine testing vials provided by the NJ NJSTL may be used.

Article IV. GENERAL SPECIMEN ACQUISITION PROCEDURE

The Chief of Police, or the Chief's designee, shall designate a member of the Committee to serve as monitor of the specimen acquisition process. When possible, the monitor should be of the same gender as the individual being tested.

ACQUISITION MONITOR SELECTION AND RESPONSIBILITIES

- 4.1 The monitor of the specimen acquisition process shall be responsible for:
 - 4.1.1 Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen;
 - 4.1.2 Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen;
 - 4.1.3 Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey NJSTL within the Division of Criminal Justice for analysis.

APPLICANT TESTING – PRELIMINARY FORMS

- 4.2 Prior to the submission of a specimen, an applicant for a law enforcement position shall complete a form consenting to the collection and analysis of their urine for illegal drugs.

The form shall advise the applicant that a negative result is a condition of employment and that a positive result will:

- 4.2.1 Result in the applicant being dropped from consideration for employment.
- 4.2.2 Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police.
- 4.2.3 Preclude the applicant from being considered for 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.
- 4.2.4 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 NJSTL for analysis, this agency receives a report indicating that the specimen tested positive for a controlled substance.

TRAINEE TESTING - FORMS

- 4.3 Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall complete a form advising the trainee that a negative result is a condition of employment and that a positive result will:
- 4.3.1 Result in the trainee being dismissed from basic training;
 - 4.3.2 Cause the trainee to be dismissed from employment as a law enforcement officer by The Ridgewood Police Department;
 - 4.3.3 Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and,
 - 4.3.4 Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.

SWORN OFFICER TESTING - FORMS

- 4.4 Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were used in the past 14 days.
- 4.4.1 A copy of the form shall be placed in a sealed envelope and submitted with the vials, another copy shall remain in the possession of the officer being tested.

Article V. SPECIMEN COLLECTION

IDENTIFYING PERSONS BEING TESTED

5.1 Throughout the test process, the identity of individual applicants, trainees and sworn law enforcement officers shall remain confidential.

5.1.1 Individual specimens shall be identified throughout the process by the use of the individual's Social Security Number. At no time shall an individual's name appear on any form or specimen container sent to the NJSTL.

APPROVED SUPPLIES

5.2 Specimens will be collected utilizing equipment and supplies provided by the NJSTL. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJSTL.

SPECIMEN COLLECTION PROCEDURE

5.3 Urine specimens will be acquired and processed in accordance with procedures established by the NJSTL. Unless otherwise noted, all steps will be conducted by the donor, not the monitor.

1. Prior to the collection of the sample, the monitor may ask that the person being tested remove all outer clothing, empty their pockets, and wash their hands under running water prior to collection.
2. The monitor may also place a tinting agent into the toilet prior to testing as well.
3. The monitor will allow the donor to select two sealed kits.
4. The donor will be ordered to open both kits, and place the contents of both kits on a clean surface.
5. Using an ordinary pencil, the donor shall write his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers, printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
6. Next, using an ordinary pencil, the donor shall write his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container, printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.

7. The monitor shall check that the donor SSN on both labels matches the SSN provided on the submission form.
8. The monitor shall instruct the donor to provide between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimens are produced.
9. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine.
10. The monitor shall check each specimen for adequate volume and temperature using the indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor shall indicate if the temperature is acceptable in the “Yes/No” column for each specimen and shall write the collection date and his/her initials in the spaces provided on the submission form. 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.
11. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor seal each of the specimen containers.
12. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the evidence custodian as soon as possible.
 - a. The specimens shall be packaged similarly to evidence.
 - b. The specimens will follow the same “chain of custody” procedures as other items of evidentiary value.
 - c. The specimens shall be placed in a secure refrigerated evidence locker.
 - d. The specimens will be inputted into the B.E.A.S.T. system.
13. Once all specimens have been collected (department wide), they will be delivered to the State Toxicology Lab for testing.
 - a. Delivery can be made by the Evidence Custodian, in person, to the NJSTL, or sent by carrier, following the guidelines set forth in this policy.

SPECIMEN COLLECTION GUIDELINES

- 5.4 In most cases, individuals will urinate 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.
- 5.4.1 Under these circumstances, the production of a specimen may be directly observed by the monitor. The facts underlying the belief that an individual may adulterate a specimen or compromise the integrity of the test process must be documented by members of the committee.
- 5.4.1.a Direct observation of the collection will be done by a monitor who is the same gender as the person being tested.

INABILITY TO PRODUCE SPECIMEN

- 5.5 Individuals who initially 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.
- 5.5.1 While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen.
- 5.5.2 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 the result of a medical or physical disability or constituted a refusal to cooperate with the drug testing process.

Article VI. SUBMISSION FOR ANALYSIS

AUTHORIZED TESTING FACILITIES

- 6.1 The New Jersey NJSTL 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.

SUBMISSION OF SPECIMENS

- 6.2 Urine specimens should be submitted to the NJSTL 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, this agency shall store the specimen in the Evidence Lockers refrigerated storage area until submission to the NJSTL.

- 6.2.1 Submission of specimens to the NJSTL may be accomplished by personnel from this agency or commercial courier.

6.2.1.a Should this agency choose to have specimens delivered to the NJSTL by commercial courier, the following procedural safeguards must be taken:

6.2.1.a.a All submissions must be by "next day delivery."

6.2.1.a.b In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

6.2.1.a.c The NJSTL must reject specimens that it has reason to believe have been subject to tampering.

- 6.2.2 All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form, which can be obtained from the lab, and the sealed envelope containing the Medication Information Form. The NJSTL will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.

- 6.2.3 In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the NJSTL shall inspect each container for damage and evidence of tampering.

- 6.2.4 The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
- 6.2.5 The lab must notify the submitting agency in writing with the reason for rejection clearly stated.

STATE LAB POSITIVE RESULT PROCEDURES

- 6.3 In the event a specimen is **confirmed to be positive** for a controlled substance, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with 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.
- 6.3.1 The analysis of each specimen shall be done in accordance to procedures adopted by the NJSTL. 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 test reports.
- 6.3.2 At a minimum, the NJSTL shall analyze each specimen for the following substances and their metabolites:
- amphetamine/methamphetamine;
 - barbiturates;
 - benzodiazepine;
 - cannabinoids;
 - cocaine;
 - methadone;
 - phencyclidine; and,
 - opiates.

Article VII. RESULTS OF TESTING

- 7.1 A donor whose specimen tested positive may only challenge the positive test result by having the second specimen tested. The first specimen will not be retested.

- 7.2 The second specimen will be maintained at the NJSTL for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
- 7.3 The second specimen will be released by the NJSTL under the following circumstances:
 - 7.3.1 The agency is notified by the NJSTL that the first specimen tested positive for a controlled substance;
 - 7.3.2 The agency notifies the donor that the first specimen tested positive for a controlled substance; and,
 - 7.3.3 The agency is informed by the donor, whose specimen tested positive, that he/she wishes to challenge the positive test result.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 The NJSTL 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.
- 7.8 In some cases, the NJSTL will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action, including termination, by the agency.
- 7.9 Under no circumstances will the NJSTL provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

Article VIII. RECORD KEEPING

The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

Each agency's drug testing records shall include but not be limited to:

1. All drug testing:
 - a. the identity of those 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 NJSTL;
 - 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;
 - i. for any positive result or refusal, appropriate documentation of disciplinary action.
2. Random drug testing, the records shall 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.

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.

Article IX. REPORT TO CENTRAL DRUG REGISTRY

10.1 Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test.

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 reported by his or her employer to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

Notifications to the Central Drug Registry shall include the following information as to each individual:

1. Name and address of the submitting agency, and contact person;
 2. Name of the individual who tested positive;
 3. Last known address of the individual;
 4. Date of birth;
 5. Social security number;
 6. SBI number (if known);
 7. Gender;
 8. Race;
 9. Eye color;
 10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 11. Date of the drug test or refusal;
 12. Date of final dismissal or separation from the agency; and
 14. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- 10.2 The certification section of the notification form must be completed by the Chief of Police, and notarized with a raised seal.

10.3 Notifications to the central registry shall be sent to:

**Division of State Police
State Bureau of Identification**

Central Drug Registry

P.O. Box 7068

West Trenton, New Jersey 08628-0068

10.4 Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

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

Applicant, 2, 3, 7, 14
Chief of Police, 4, 5, 11, 12, 13, 14, 23
Internal Affairs, 5, 11, 12, 13, 22
medication, 4, 5, 11, 21, 22
memorandum, 5
NJSTL, 11, 13, 14, 16, 17, 19, 20, 21, 22
Notification, 2, 10

positive, 3, 7, 9, 10, 11, 13, 14, 15, 20, 21, 22,
23
Positive, 2, 3, 11, 20, 21
Random drug testing, 9, 10, 22
Reasonable Suspicion, 4
Social security number, 23
Trainees, 7, 10