

MANSFIELD TOWNSHIP POLICE DEPARTMENT			
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SUBJECT: DRUG TESTING GUIDELINES			
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BY THE ORDER OF: Chief Ronald G. Mulhall, Jr.			

PURPOSE: The purpose of this standard operating procedure is to maintain compliance with the New Jersey Attorney General's *Law Enforcement Drug Testing Policy*, and *New Jersey Attorney General's Law Enforcement Directive No. 2018-2*. This SOP shall serve as notification to all employees of the agency's drug testing policy.

POLICY It is the policy of the Mansfield Township Police Department that the critical mission of law enforcement justifies the maintenance of a drug free work environment through the establishment and use of a reasonable drug-testing program.

The police profession has several uniquely compelling interests that justify the use of drug testing. The public has a right to expect that those who protect them are at all times both physically and mentally prepared to perform these duties. There is sufficient evidence to conclude that the use of controlled substances, and other forms of drug abuse, will seriously impair an employee's physical and mental health, and thus, their job performance.

Where police officers or police employees participate in improper drug use and drug activity, the integrity of the police profession and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the department and to preserve public trust and confidence in a fit and drug free police profession, this department has instituted a drug testing program to deter prohibited drug use by all sworn and non-sworn personnel.

Although this SOP normally applies to applicants, recruits and in-service sworn personnel, sufficient inferences can be drawn to apply certain provisions of this SOP to non-sworn police personnel in the area of reasonable suspicion drug testing or fitness for duty drug testing.

This SOP is considered an annex to the rules and regulations of the police department.

PROCEDURES

I. DEFINITIONS

- A. Applicant is any person who applies for the position of police officer in the Mansfield Township Police Department.
- B. Central drug registry is the statewide database that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances listed in this SOP, or the corresponding Attorney General Guidelines and Burlington County Prosecutor's Office directive, are to be reported and recorded.
- C. 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.
- D. Employee includes any civilian employee assigned to or under the supervision of the police department.
- E. Officer is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state. Officer also includes special law enforcement officers (SLEO).
- F. 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.
- G. Random selection is defined as the method by which every police officer (excluding trainees in the police academy and sworn officers on extended sick/injured leave), regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted. NOTE: For the purposes of this SOP, 'extended sick/injury leave' is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
- H. 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.
- I. Recruit/trainee is any applicant who is undergoing mandatory basic training in a police academy.
- J. Sworn officer is any persons responsible for the enforcement of the criminal laws of the State of New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C: 39-6.
- K. Supervisor is a sworn officer formally assigned to a position having day-to-day responsibility for supervising subordinates or who is responsible for commanding a work unit.

II. APPLICABILITY

A. This SOP applies to:

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C: 39-6; and
2. Law enforcement officer trainees subject to the *Police Training Act* while they attend a mandatory basic training course; and
3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, under the jurisdiction of the *Police Training Act* and authorized to carry a firearm under N.J.S.A. 2C: 39-6;
4. Civilian employees of this police department.

III. TYPES OF DRUG TESTING

A. Applicants for law enforcement officer position:

1. Applicants for the position of police officer and special law enforcement officer (SLEO) are required to submit a urine specimen at any time prior to appointment but, following a formal conditional offer of employment. A statement of this requirement shall be included in the application for employment.
2. Such applicants can be tested as many times as the Chief of Police or his/her designee deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
3. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

B. Applicants for non-sworn positions:

1. Mandatory drug testing will be performed on all civilian police employees after being provided with a conditional offer of employment but, prior to hiring. All testing will be performed under the auspices of the Township Administrator at a location selected by the Township Administrator.
2. Normally, drug test results will be forwarded to the Mansfield Township physician or Mansfield Township-designated physician for review. The physician will interpret the results and tender a recommendation to the Township Administrator concerning the employee's employment status.
3. If the drug test reveals the use of any unlawful substance, the applicant will have the conditional offer of employment withdrawn.

C. Law enforcement trainees:

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
2. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Burlington County Prosecutor, the Chief of Police, or the academy director.

D. Sworn law enforcement officers – random selection:

1. Sworn law enforcement officers (including SLEO personnel) shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test.
2. This department will conduct random drug testing upon all officers regardless of rank or assignment.
3. The Chief of Police or his/her designee is responsible for the selection, notification, collection, monitoring, chain of custody, storage and transport of urine specimens to the State Toxicology Laboratory and any subsequent recordkeeping which is necessary to ensure that the testing process is conducted in a prompt, efficient and confidential manner.
4. The tests may include testing for steroids.
5. A representative of the police union(s) shall be notified of every random selection process and may witness the random selection. The union representative(s) shall not be informed of the officers' names. Each representative shall indicate whether they had witnessed the random selection process or declined to do so on the *Random Drug Testing ID Number Selection* form.

E. Sworn law enforcement officers – reasonable suspicion:

1. In addition to random testing, urine specimens shall be ordered from any officer when reasonable suspicion exists to believe that the officer is improperly using drugs. For this purpose, urine specimens shall not be ordered from the officer without the approval of the Burlington County Prosecutor or the Chief of Police.
2. A negative test result is a condition of continued employment.
3. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the officer shall be charged with gross insubordination and also is subject to the same penalties as for those who test positive for the illegal use of drugs.

4. Regardless of the reason for testing, any officer who tests positive for improper 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 to the central drug registry maintained by the State Police and shall be permanently barred from future law enforcement employment in New Jersey.
5. Any officer who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion or face disciplinary action.
6. Any officer having reasonable suspicion of illegal drug use by another officer must report it by way of a confidential report to the Chief of Police or the internal affairs officer. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

F. Fitness for duty examinations:

1. Urine samples may be requested by a physician designated by the Township of Mansfield during any regularly scheduled and announced medical examination or a fitness for duty examination. The subsequent collection and analysis of any specimen obtained through a medical examination or fitness for duty examination will be under the control of the Mansfield Township-designated physician.
2. All sworn law enforcement officers (including SLEO personnel) shall be required to submit to urine testing when told to by the Mansfield Township physician or Mansfield Township-designated physician.
3. Failure to submit to this physician ordered urine testing shall be considered a form of gross insubordination and subject to termination upon final disciplinary action.

G. Civilian personnel – reasonable suspicion/fitness for duty examinations:

1. Civilian personnel are often called upon to perform a myriad of duties that had traditionally been performed by sworn police officers. These duties require civilians to act and otherwise make decisions that are a matter of public safety and include, but are not limited to the following positions:
 - a. Police information systems manager/terminal agency coordinator(s);
 - b. School crossing guards;
 - c. Clerks/stenographers/secretaries, etc.
2. Reasonable suspicion drug testing and drug testing performed during a fitness for duty examination are also under the auspices of the Township Administrator at a location selected by the Township Administrator.
4. Normally, drug test results will be forwarded to the Mansfield Township physician or Mansfield Township-designated physician for review. The physician will interpret the results and tender a recommendation to the Township Administrator concerning the employee's employment status.

5. If the drug test reveals the use of any unlawful substance, the employee is subject to termination upon final disciplinary action, whatever is applicable.
6. The presence of a lawful substance is subject to review by the Mansfield Township designated physician and Chief of Police to determine if the substance is or has adversely affected the employee's job performance. Any employment action will be decided on a case-by-case basis in comportment with ADA guidelines.
3. Urine specimens shall be ordered from any civilian employee when reasonable suspicion exists to believe that the employee is improperly using drugs. For this purpose, urine specimens shall not be ordered from the employee without the approval of the Chief of Police, internal affairs commander or their designees.
4. Normally, reasonable suspicion drug testing and fitness for duty drug testing will be performed by a physician or facility designated by the Township Administrator.
5. If an employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the employee is subject to termination upon final disciplinary action for gross insubordination.
6. Any employee who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion or face disciplinary action. These suspicions must be reported by way of a confidential report to the Chief of Police or the internal affairs commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

IV. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants:

1. The Chief of Police or his/her designee must 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 and that a positive result will:
 - a. Result in the applicant being dropped from consideration for employment;
 - b. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test.
2. The notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

3. Any Mansfield Township Police Department police officer who is an applicant in another jurisdiction and yields a positive drug test result after undergoing drug testing by that jurisdiction in comportment with the guidelines established by the Attorney General of the State of New Jersey shall be:
 - a. Immediately suspended from all duties;
 - b. Terminated from employment as a police officer upon final disciplinary action.
 - c. Reported to the central drug registry maintained by the State Police.
 - d. Permanently barred from future law enforcement employment in the State of New Jersey.

B. Law enforcement trainees:

1. All law enforcement trainees (including SLEO trainees) shall be informed that drug testing is mandatory during basic training. Such trainees shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. Upon final disciplinary action, the trainee's termination from employment; and
 - b. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
 - c. The trainee being permanently barred from future law enforcement employment in New Jersey.
2. All law enforcement trainees (including SLEO trainees) shall be further informed that the refusal to submit to a drug test shall result in the above sanctions.

C. Sworn law enforcement officers – reasonable suspicion testing:

1. Individual law enforcement officers (including SLEO personnel) 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 can be ordered to submit to a drug test based on reasonable suspicion, the Chief of Police or his/her designee shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the Burlington County Prosecutor 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 sworn officer and that a positive result will result in:

- a. Upon final disciplinary action, 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 being permanently barred from future law enforcement employment in New Jersey.
4. 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. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test and are subject to the above sanctions.
- D. Sworn law enforcement officers – random drug testing:
1. All sworn officers (including SLEO personnel) are eligible for random drug testing, regardless of rank and assignment.
 2. At least 10% of the total number of sworn officers (including SLEO personnel) shall be randomly tested each time.
 3. At a minimum, random drug testing shall be conducted at least once in the remainder of 2018 and at least twice in every subsequent calendar year.
 4. A method of random selection, which ensures that every probationary or sworn officer (including SLEO personnel) has an equal chance to be selected for a testing each time a selection takes place, regardless of rank, and regardless of the fact that one or more officers were randomly selected for testing at a prior selection process during the same calendar year.
 5. The selection process will be verified and documented in writing by the Chief of Police or internal affairs officer, and the report will be maintained in confidential files.
 6. A representative of the collective bargaining unit(s) is permitted to witness the selection process.
 7. If a randomly selected officer is unavailable on the date selected:
 - a. The Chief of Police or his/her designee shall notify the officer and he/she is required to submit a urine specimen at that time, during a confidential specimen acquisition process.
 - b. An officer shall be tested on the earliest time available after he/she returns to work.
 8. Any employee of this department 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 department officially announcing such or prior to the collection of urine specimens is subject to discipline.

9. Collecting urine specimens from selected officers in a prompt, efficient and confidential manner must be in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
10. Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, 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 shall be deemed to have refused to submit to the drug test.
11. Knowingly tampering with or alteration of a urine sample by adulteration or dilution will be treated in the same manner as if the officer tested positive for the illegal use of drugs. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

V. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary acquisition procedures:

1. The Chief of Police or his/her designee shall serve as monitor of the specimen acquisition process.
 - a. The monitor shall always be of the same sex as the individual being tested.
 - b. In the event there is no member of the same sex available, the Chief of Police may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
 - c. If the Chief of Police is subjected to such specimen acquisition, the internal affairs officers will serve as monitor.
2. 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).
 - a. Applicants shall not complete a *Drug Testing Medication Information Form* (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment.
 - b. 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 Mansfield Township Police Department receives a report indicating that the specimen tested positive for a controlled substance.

3. Prior to the submission of a urine specimen, officers shall execute a form (Attachment C) advising them that a negative result is a condition of employment and that a positive result will result in the consequences listed in Section IV.C of this SOP.
 - a. The form also advises the officer that the refusal to participate in the test process carries the same penalties as testing positive.
 - b. Sworn officers shall complete the *Drug Testing Medication Information Form* (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days.
4. The *Drug Testing Medication Information Form* (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

B. Monitor responsibilities:

1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
3. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
4. Collecting specimens utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
5. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
6. In order to ensure the accuracy and integrity of the collection process a monitor may:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.

7. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

C. Specimen collection:

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor shall allow the donor to select two sealed specimen container kits.
3. The donor will unseal both kits and removes the kit contents on a clean surface.
4. Using an ordinary pencil, the donor will write his/her SSN and the letter 'A' below the SSN on one of the I.D. labels, and place 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.
5. Next, using an ordinary pencil, the donor will write his/her SSN and the letter 'B' below the SSN on the second I.D. label, and place 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.
6. The monitor shall verify that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45ml and 60ml into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced. The monitor must follow the 'shy bladder' procedure for donors that are unable to produce an adequate amount of urine; (see subsection V.D below).
8. The monitor shall check each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes.
 - a. A color change between 90°F and 100°F indicates an acceptable specimen temperature.
 - b. The monitor shall indicate if the temperature is acceptable in the 'Yes/No' column for each specimen and write the collection date and his/her initials in the spaces provided on the submission form.
 - c. 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.

9. If the monitor is satisfied that all test requirements are satisfied and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the New Jersey State Toxicology Lab in a timely manner.

D. Shy bladder procedures:

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

E. Second specimen:

1. 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.
2. The second specimen will be maintained at the New Jersey State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
3. The second specimen will be released by the New Jersey State Toxicology Laboratory under the following circumstances:
 - a. The agency is notified by the New Jersey State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.

4. The positive urine donor must designate, from a list maintained by the New Jersey State Toxicology Laboratory, 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.
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.
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.

VI. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The New Jersey State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Chief of Police or his/her designee shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. Submission of specimens to the State Toxicology Laboratory can be accomplished by personnel from this agency or commercial courier using next day delivery. Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. 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 State Toxicology Laboratory 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.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
 1. The laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 2. Notify this agency in writing with the reason for rejection clearly stated.

VII. ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but, not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, the Chief of Police may request that specimens be analyzed for the presence of steroids.
- B. The laboratory's drug testing procedures will screen specimens for the following controlled substances:
1. Amphetamines;
 2. Barbiturates;
 3. Benzodiazepine;
 4. Cocaine;
 5. Marijuana;
 6. Methadone;
 7. Opiates;
 8. Oxycodone/Oxymorphone;
 9. Phencyclidine.
- C. The State Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
 2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the Chief of Police to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

- E. Applicants for law enforcement employment are not required to submit a *Drug Testing Medication Information Form* with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the *Drug Testing Medication Information Form* (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the Chief of Police. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VIII. DRUG TEST RESULTS

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the State Toxicology Laboratory 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 Chief of Police 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.
- C. Under no circumstances will the State Toxicology Laboratory 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.

IX. CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment.
 - 2. The applicant shall be reported to the central drug registry maintained by the Division of State Police.
 - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.

4. If the applicant is currently employed by another agency as a 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.
 5. Applicants refusing to submit to a drug test during the pre-employment process shall be subjected to these same sanctions.
- B. When a trainee tests positive for illegal drug use:
1. The trainee shall be immediately dismissed from basic training and suspended from employment.
 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer.
 3. The trainee shall be reported to the central drug registry maintained by the Division of State Police.
 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
 5. Trainees refusing to submit to drug testing during basic training shall be subjected to these same sanctions.
- C. When a 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 administratively charged, and upon final disciplinary action, shall be terminated from employment as a law enforcement officer.
 3. The officer shall be reported to central drug registry maintained by the Division of State Police.
 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.
 5. Sworn officers refusing to submit to a drug test (whether random, reasonable suspicion or fitness for duty) shall be subjected to these same sanctions
 - a. Note: that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal.
 - b. In addition, 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 and shall be subjected to these same sanctions.

X. ACCIDENTAL/INADVERTENT EXPOSURE

- A. Any officer or employee who believes that he/she may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty the officer or employee must immediately notify their supervisor.
- B. A report detailing the exposure shall be forwarded to the Chief of Police or the internal affairs officer through the chain of command. If the exposure occurs off duty, notification must be made as soon as practicable.

XI. RECORD KEEPING

- A. The internal affairs officer shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers. Such records shall include but, are not limited to:
 - 1. For 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 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;
 - 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.
- B. 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. The Chief of Police 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 refuses an order to submit a urine sample on the form prescribed in Attachment F.
- B. 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 for which the individual tested positive, 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
 - 13. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- C. The Chief of Police must complete the certification section of the notification form, which must be notarized with a raised seal.
- D. 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

- E. 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; or
 - 2. In response to a court order.

XIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. The Chief of Police or his/her designee shall provide a confidential written notice to the Burlington County Prosecutor or his/her designee within 10 days in the event of any of the below:
 - 1. A positive drug test by an officer;
 - 2. A refusal by an officer to take the drug test; or
 - 3. Administration of a reasonable suspicion drug test to an officer.
- B. Upon completion of any disciplinary action, the Chief of Police shall report the discipline to the Burlington County Prosecutor or his/her designee.
- C. By December 31st of each year, the Chief of Police or his/her designee shall provide written notice to the Burlington County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This SOP shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this SOP that identify specific officers are confidential and not subject to public disclosure.