**Article VII**

**Drug Abuse and Drug Testing**

(See Attorney General’s Guidelines)

(This policy shall apply to Police Department personnel, both sworn and civilian)

**A.** **General Guidelines.**

1. All law enforcement applicants who will be responsible for the enforcement of the criminal laws of the State and who will be authorized to carry a firearm pursuant to N.J.A.C. 2C:39-6 must submit to a urinalysis prior to appointment.

2. An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a urine sample would be rejected from employment.

3. Subsequent to appointment, all officers must be subjected to unannounced drug testing; drug testing as part of any regular or specifically ordered physical examination, and; whenever there is individualized reasonable suspicion to believe that an officer is unlawfully using drugs.

4. A trainee who produces a positive test result indicating unlawful drug use or who refuses to submit a urine sample will be dismissed from the training academy and his law enforcement position.

5. Permanently appointed officers who produce a positive test result indicating unlawful drug use or who refuse to submit a urine sample will be dismissed from employment.

6. All supervisors will be required to undergo in-service training in substance abuse detection.

**B.** **General Methods and Procedures for Drug Screening.**

1. Urinalysis will be the primary method for the drug screening of law enforcement applicants, trainees, and permanently appointed officers.

2. Established quality control and chain of custody procedures must be maintained throughout the entire testing process, from sample acquisition to delivery at the laboratory.

3. All urine samples obtained from law enforcement applicants, trainees, and permanently appointed officers will be delivered to the state medical examiner toxicology laboratory.

4. No adverse action will be taken against an applicant, trainee, or officer until the state been reported to the Department.

**C.** **Methods and Procedures for Drug Screening Applicants for Sworn Law Enforcement Positions.**

1. Applicability. The following methods and procedures apply when an applicant for a position as a law enforcement officer who will be authorized to carry a firearm pursuant to 2C:39-6 submits to a drug test through urinalysis for the purpose of determining illegal use of drugs. Applicants for sworn law enforcement positions will be required to submit a urine sample at a time during the pre-employment stage when the applicant is seriously being considered for appointment.

2. Notification of Drug Screening Requirement.

A. All advertisements and announcements of law enforcement positions will include notification of drug screening through urinalysis are mandatory during pre-employment and again during training. This notification will also indicate that a negative result is a condition of employment both before and during the probationary appointment.

B. An applicant for a sworn law enforcement position will be requested to sign a waiver consenting to the sampling and testing of urine during the employment screening process. This waiver will include notification that an applicant who produces a confirmed positive test result for illegal use of drugs will be;

1. Rejected for employment.

2. Included in a central registry maintained by the Division of State Police to be assessed only through court order or as part of a confidential investigation related to law enforcement employment.

3. Barred from obtaining sworn law enforcement employment for a period of two years from the date of a positive confirmation test. If the applicant is employed in another sworn law enforcement position at the time he produces a positive test result, his law enforcement employer will be notified of the positive test result in the individual will be dismissed from that sworn law enforcement position and permanently barred from sworn law enforcement employment in New Jersey.

C. This waiver will also include information that failing to provide the sample will result in rejection for employment.

D. Although criminal proceedings would not ordinarily be justified in the case of a positive drug test obtained as a result of mandatory unannounced testing, the Chief of Police may report the positive drug test results to the County Prosecutor in appropriate circumstances.

3. Laboratory Method. The New Jersey Medical Examiner Toxicology Laboratory will be the sole facility for both the initial screening and confirmation analysis for urine. The appropriate testing procedure will be used to confirm all positive results of initial drug screening procedures.

4. Preliminary Acquisition Procedures. Prior to the submission of a urine sample, the applicant may complete a medical questionnaire which clearly describes all medications, both prescribed by a physician and available over-the-counter, which he ingested during the prior (30) days.

5. Specimen Acquisition Procedures.

A. A staff member of the Department will serve as the official monitor, and as such will be responsible for ensuring that all related forms, such as waivers, laboratory forms, and medical questionnaires, have been thoroughly and accurately completed by the applicant. Prior to the submission of the sample, both the official monitor and the applicant will inspect the specimen bottle packet for indication of pre-void tampering.

B. Generally, the applicant will submit the urine sample in the presence of the official monitor. On those rare occasions when the applicant is not able to provide a sample in the presence of the official monitor, the department may choose to permit the applicant to provide a sample without a witness, so long as the applicant removes his or her clothing in the presence of the official monitor prior to entering the room where he or she has no access to water or any other additive.

C. The official monitor shall always be of the same sex as the applicant being tested. If there is no member of the same sex available from within the department to serve as the official monitor, the department may request that a member of a neighboring department or the Prosecutor’s Office serve as the official monitor.

D. Urine samples will be processed in accordance with accepted chain of custody procedures. Throughout the urine acquisition process, the sample will be identified by use of the applicant’s Social Security number. No form forwarded to the laboratory will contain the applicant’s name.

E. The applicant will complete the information requested on any related department or laboratory forms and will put his Social Security number, initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the applicant will unseal the specimen bottle packet, affix the label to the bottle, and void approximately (50) ml. of urine into the specimen bottle. The applicant will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom, and again up the first side, overlapping the tape to make a complete circle around the bottle. The applicant will then put his Social Security number, initials, and date on the evidence tape and surrender the specimen to the official monitor.

F. After ascertaining that all forms have been completed accurately and after serving as witness to the void, the official monitor shall take possession of the sample. The sample shall be placed in a controlled access refrigerated storage area until it is delivered to the State Medical Examiner Laboratory. This delivery shall occur within one laboratory working day of acquisition.

6. Drug Screening Results. The State Medical Examiner Toxicology Laboratory will forward to the department a written report of the results of the drug tests, whether positive or negative, as soon after completion of analysis as possible. The laboratory will report as positive only those samples which have been confirmed to be positive for the presence of illegal drugs. The department will orally notify all applicants who are found positive for illegal drugs of the positive confirmation test result as soon after notification from the lavatory as possible. The Department will provide a copy of the laboratory report to the applicant if he requests it.

7. Hearings. An applicant shall be rejected for employment for producing a positive test result for illegal use of drugs in accordance with established procedures.

8. Central Registry.

A. If an applicant produces a positive test result which is upheld after any hearing to which the applicant is entitled, that information will be included in a central registry maintained by the Division of State Police for that purpose. It is a responsibility of the Department to provide written notification of the positive test result to the Division of State Police Records and Identification Section. Notification to the central registry should include;

1. Name and address of the Department.

2. Name and individual who produced the positive test result.

3. Address of the individual.

4. Date of birth.

5. Social Security number.

6. Gender.

7. Race.

8. Eye color.

9. Substances for which the individual tested positive.

10. Date of dismissal from the department.

11. Whether the individual was tested as an applicant, a trainee, or an officer based on reasonable suspicion.

B. Notifications to the central registry should be forwarded to the New Jersey State Police Records Identification Section.

**D.** **Methods and Procedures for Drug Screening Trainees for Sworn Law Enforcement Positions.**

1. Applicability.

A. The following methods and procedures apply when a law enforcement officer trainee who will be authorized to carry firearm pursuant to 2C:39-6, submits to a drug test through urinalysis for the purposes of determining illegal use of drugs.

B. Trainees will be required to submit a urine sample for testing during academy attendance.

C. A trainee will also be required to submit a urine sample for testing when there exist facts that provide a reasonable objective basis to suspect 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, whichever is appropriate, or someone acting in those capacities during their absence.

2. Notification of Drug Screening Requirement.

A. All advertisements and announcements of law enforcement positions will include notification that drug screening through urinalysis is mandatory during pre-employment and again during training. This notification will also indicate that a negative result is a condition of employment both before and during the probationary appointment.

B. A trainee for a sworn law enforcement position will sign a waiver consenting to the periodic unannounced sampling and testing of urine during attendance at a law enforcement academy. This waiver will include notification that a trainee who produces a confirmed positive test result for illegal use of drugs will be;

1. Dismissed from the academy and from the department.

2. Included in a central registry maintained by the Division of State Police to be assessed only through court order or as part of a confidential investigation related to law enforcement employment.

3. Permanently barred from sworn law enforcement employment in New Jersey.

3. Laboratory Method. The New Jersey Medical Examiner Toxicology Laboratory will be the sole facility for both the initial screening and confirmation analysis of urine. The approved methods for testing the samples will be utilized to confirm all positive results of initial drug screening procedures.

4. Preliminary Acquisition Procedures.

A. Before the trainee is ordered to submit a drug test based on reasonable suspicion, the department or academy shall prepare a confidential report which documents the basis for reasonable suspicion. The individual whose approval is necessary to order the drug test shall base his decision on the contents of this confidential report.

B. Prior to the submission of a urine sample, the trainee may complete a medical questionnaire which clearly describes all medications, both prescribed by a physician and available over-the-counter, which he ingested during the prior (30) days.

5. Specimen Acquisition Procedure.

A. A staff member of the department will serve as the official monitor, and as such will be responsible for ensuring that all related forms, such as waivers, laboratory forms, and medical questionnaires, have been thoroughly and accurately completed by the trainee. Prior to the submission of the sample, both the official monitor and the trainee will inspect the specimen bottle packet for indications of pre-void tampering.

B. Generally, the trainee will submit the urine sample in the presence of the official monitor. On those rare occasions when that trainee is not able to provide a sample in the presence of the official monitor, the department may choose to permit the trainee to provide a sample without a witness, so long as the trainee removes his or her clothing in the presence of the official monitor prior to entering a room where he or she has no access to water or any other additive.

C. The official monitor shall always be of the same sex as the trainee being tested. If there is no member of the same sex available from within the department to serve as the official monitor, the department may request that a member of the neighboring department or the Prosecutor’s Office served as the official monitor.

D. Urine samples will be process in accordance with accepted chain of custody procedures. Throughout the urine acquisition process, the sample will be identified by use of the trainee’s Social Security number. No form forwarded to the laboratory will contain the trainee’s name.

E. The trainee will complete the information requested on any related department or laboratory forms and will put a Social Security number, and initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the trainee will unseal the specimen bottle packet, affixed the label to the bottle, and void approximately (50) ml. of urine into the specimen bottle. The trainee will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom, and again up the first side, overlapping the tape to make a complete circle around the bottle. The trainee will then put his Social Security number, initials, and date on the evidence tape and surrender the specimen to the official monitor.

F. After ascertaining that all the forms have been completed accurately and after serving as witness to the void, the official monitor shall take possession of the sample. The sample shall be placed in a controlled access refrigerated storage area until it can be delivered to the State Police Medical Examiner Laboratory. This delivery shall occur within one laboratory working day of acquisition.

6. Drug Screen Results.

A. When a trainee is tested as a result of mandatory, unannounced testing, the State Medical Examiner Toxicology Laboratory will orally notify the Department of any positive test results immediately upon completion of analysis. The laboratory will report as positive only those samples which have been confirmed to be positive for the presence of illegal drugs. The laboratory will forward to the department a written report of the results of the drug test, whether positive or negative. The department will orally notify a trainee who is found positive for illegal drugs of the positive confirmation test result as soon after the oral notification from the laboratory as possible. The department will provide a copy of the laboratory report to the trainee if he requests it.

B. When a trainee is tested based on reasonable suspicion, the notification process contained in "Section 6" of the methods and procedures of drug screening law enforcement officers will apply.

7. Hearings. A trainee shall be dismissed from the academy or terminated from employment as a result of a positive test result for illegal use of drugs or a refusal to submit to a drug test in accordance with the established procedures.

8. Central Registry.

A. If a trainee produces a positive test result which is upheld after any hearing to which the trainee is entitled, that information will be included in a central registry maintained by the Division of State Police for that purpose. It is the responsibility of the Department to provide written notification of the positive test result to the Division of State Police Records and Identification Section. Notifications to the central registry should include;

1. Name and address of the Department.

2. Name of individual who produced a positive test result.

3. Address of the individual.

4. Date of birth.

5. Social Security number.

6. Gender.

7. Race.

8. Eye color.

9. Substances for which the individual tested positive.

10. Date of dismissal from the department.

11. Whether the individual was tested as applicant, a trainee, or an officer based on reasonable suspicion.

B. Notifications to the central registry should be forwarded to the New Jersey State Police Records and Identification Section.

**E.** **Methods and Procedures for Drug Screening Permanently Appointed Law Enforcement Officers.**

1. Applicability.

A. 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.

B. 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 with the Chief of Police or someone acting in that capacity during his absence.

2. Notification of Drug Screening.

A. Drug screening through urinalysis will be conducted when there exist facts that provide a reasonable objective basis to suspect that an officer is illegally using drugs. Any officer who has reasonable suspicion to believe that a fellow officer is illegally using drugs must immediately report that fact to the Chief of Police or his designee. Any officer who produces a confirmed positive test result for illegal use of drugs will be;

1. Dismissed from the Department.

2. Included in a central registry maintained by the Division of State Police to be assessed only through court order or as part of a confidential investigation related to law enforcement employment.

3. Reported to the County Prosecutor.

4. Permanently barred from sworn law enforcement employment in New Jersey.

B. Any officer who refuses to provide a urine sample upon a lawful request made upon individualized reasonable suspicion will also be dismissed.

3. Laboratory Method. The New Jersey Medical Examiner Toxicology Laboratory will be the sole facility for both the initial screening and confirmation analysis of urine. The approved test will be administered in the initial drug screening procedures to confirm all positive results of initial drug screening.

4. Preliminary Acquisition Procedures.

A. Before an officer is ordered to submit to a drug test, the Department shall prepare a confidential report which documents the basis for reasonable suspicion. The individual whose approval is necessary to order the drug tests shall base his decision on the contents of this confidential report.

B. Prior to the submission of a urine sample, the officer may complete a medical questionnaire which clearly describes all medications, both prescribed by a physician and available over-the-counter, which he ingested during the prior (30) days.

5. Specimen Acquisition Procedure.

A. At the time that the urine sample is provided, the officer will have the option to submit (2) samples. Both samples will be acquired according to the procedures outlined herein. One will be forwarded to the State Medical Examiner Laboratory for testing; the remaining sample will be stored in a frozen state within the Department according to departmental procedures regarding chain of custody and evidence storage. This sample will be made accessible to the officer and/or his attorney.

B. The Department shall be responsible for acquiring urine specimens from officers and shall designate the individual to serve as the official monitor. The officer may also choose to name another witness to the sample acquisition.

C. The official monitor shall be responsible for ensuring that all related forms have been thoroughly and accurately completed by the officer. Prior to the submission of the sample, both the official monitor and the officer will inspect the specimen bottle packet for indications of pre-void tampering.

D. Generally, the officer will submit the urine sample in the presence of the official monitor. On those rare occasions when the officer is not able to provide a sample in the presence of the official monitor, the monitor will permit the officer to provide an unwitnessed sample, so long as the officer removes his or her clothing in the presence of the official monitor prior to entering a room where he or she has no access to water or any other additive.

E. The official monitor shall always be of the same sex as the officer being tested. If there is no member of the same sex available from within the department to serve as the official monitor, the department may request that a member of a neighboring department or the Prosecutor’s Office serve as the official monitor.

F. Urine samples will be process in accordance with accepted chain of custody procedures and every effort will be made to ensure that the identity of the officer being tested remains confidential. Throughout the urine acquisition process, the sample will be identified by the use of the officer Social Security number. No form forwarded to the laboratory will contain the officer’s name.

G. The officer will complete the information requested on any related department or laboratory forms and will put his Social Security number, and initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the officer will unseal the specimen bottle packet, affixed the label to the bottle, and void approximately (50) ml. of urine into the specimen bottle. The officer will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom, and again up the first side, overlapping the tape to make a complete circle around the bottle. The officer will then put his Social Security number, initials, and date on the evidence tape and surrender the specimen to the official monitor.

H. After ascertaining that all forms have been completed accurately and after serving as witness to the void, the official monitor shall take possession of the sample. The sample shall be placed in a controlled access refrigerated storage area until it is delivered to the State Medical Examiner Laboratory. This delivery shall occur within one laboratory working day of acquisition.

6. Drug Screen Results. The State Medical Examiner Toxicology Laboratory will notify the submitting agency of the results of the analysis immediately upon completion. The laboratory will report as positive only those samples which have been confirmed to be positive for the presence of illegal drugs. The laboratories will follow-up all immediate notifications with written reports. The department will notify the officer of the results of the analysis as soon as possible after notification by the laboratory. The Department will provide a copy of the laboratory report to the officer if he requests it.

7. Hearings. An officer shall be terminated from employment as a result of a positive test result for illegal use of drugs or the refusal to submit to a drug test in accordance with established procedures.

8. Central Registry.

A. If an officer produces a positive test result which is upheld after any hearing to which the officer is entitled, that information will be included in a central registry maintained by the Division of State Police for that purpose. It is the responsibility of the Department to provide written notification of the positive test result to the Division of State Police Records and Identification Section. Notifications to the central registry should include;

1. Name and address of the Department.

2. Name of individual who produced a positive test result.

3. Address of individual.

4. Date of birth.

5. Social Security number.

6. Gender.

7. Race.

8. Eye color.

9. Substances for which she individual tested positive.

10. Date of dismissal from the department.

11. Whether the individual was tested as an applicant, a trainee, or an officer based on reasonable suspicion.

B. Notification to the central registry should be forwarded to the New Jersey State Police Records and Identification Section.