



EAST WINDSOR POLICE DEPARTMENT

<u>Directive</u>	<u>Dissemination</u>	<u>Subject</u>			
52.4.1	All Sworn Personnel	Drug Screening of Applicants and Sworn Personnel			
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<u>Supersedes the following:</u>					

I. Purpose

The illegal use of drugs is incompatible with service in law enforcement. This agency is committed to ensuring that sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling their responsibilities. They are expected to obey all laws and ordinances, including those concerning the illegal use of drugs. Violations of these laws are intolerable.

The purpose of this policy is to safeguard the agency as well as sworn and non-sworn employees of the East Windsor Township Police Department from sworn law enforcement personnel who may engage in the illegal use of drugs. Additionally this policy provides a zero tolerance stance against illegal drug use by sworn law enforcement personnel within the East Windsor Township Police Department.

II. Policy

- A. This policy applies to all applicants and sworn members of the East Windsor Township Police Department, regardless of rank or assignment.
- B. It is the policy of this agency that applicants and sworn law enforcement personnel (hereinafter officer or officers) are subject to urine testing for illegal drug use as follows:
 - 1. Applicant Testing.
 - a. Prospective employees shall be drug tested during the pre-employment process.
 - 2. When reasonable suspicion exists to believe that the officer is illegally using drugs, or
 - 3. When officers have been randomly selected to submit to a drug screen.
- C. It is the policy of this department that a negative result is a continued condition of employment as a sworn employee. Any officer, who has a test that is positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful order, shall be terminated from this agency as detailed below.

III. Procedures

- A. Reasonable suspicion testing
 - 1. Urine specimens shall be ordered from an officer when there exists reasonable suspicion that the officer is illegally using drugs.
 - 2. Upon a report from any source that an officer may be illegally using drugs, the Internal Affairs officer, Chief of Police and the Prosecutor shall immediately be notified.
 - 3. Upon the direction of the Chief of Police, the Internal Affairs Supervisor will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
 - 4. Internal Affairs shall document findings in a written report.
 - 5. The written report shall be submitted to the Chief of Police or the County Prosecutor for a determination if reasonable suspicion exists that an officer has engaged in illegal drug use.

6. If the Chief of Police or the County Prosecutor determines that reasonable suspicion of illegal drug use exists, the officer shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below. Under emergent circumstances, approval may be given by the Chief of Police or the County Prosecutor for a reasonable suspicion test on the basis of a verbal report. In such a case, a written report shall be made not less than 72 hours after verbal approval.

B. Random Testing

1. Random selection shall be defined as a method of selection in which each and every sworn member of the East Windsor Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
2. The Chief of Police shall determine the percentage of officers selected each time a random selection takes place.
3. The method of random selection shall be as follows:
 - a. The Chief of Police shall designate the Internal Affairs Supervisor or other police department employee to conduct the selection process. A manual method of drawing names randomly by lot shall be used. Alternatively, random selection may occur by computer program obtained specifically to ensure random sampling. Normally, no less than twenty percent (20%) of this department's sworn employees will be selected each time a random selection takes place. Random selection shall occur not less than twice per calendar year.
4. Random selections will be conducted by the Internal Affairs Supervisor.
 - a. A representative of each affected collective bargaining unit shall be notified of an upcoming selection and be given an opportunity to be present to witness the selection process.
 - b. The Internal Affairs Supervisor shall document the date of the selection, the selection method used, all persons present at the time of the selection and the results of the selection.
5. Any member of the East Windsor Township Police Department who discloses the identity of an officer selected for random testing prior to the test or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action.

C. Notification of officers

1. When it has been determined that reasonable suspicion exists, the Internal Affairs Supervisor will go to the subject officer at the officer's work assignment and order that officer to accompany the Internal Affairs Supervisor to a designated lavatory to collect the specimen.
2. Officers selected for random drug screening shall be contacted by the Internal Affairs Supervisor at their work assignment and shall immediately report to the designated lavatory to submit a urine sample.
3. The order to provide a urine sample for drug screening is a direct order from the Chief of Police. No officer has the right to refuse the order, nor has the right to have

a union representative or attorney present at the time the specimen is collected; nor has the right to delay the order for any reason.

D. Specimen acquisition procedures

1. The Internal Affairs Supervisor will be responsible for the overall supervision of collection of the urine specimens. The Internal Affairs Supervisor shall be located at a designated desk to supervise the processing, collection and storage of the urine specimens.
 - a. The Chief of Police shall designate a monitor(s) to oversee the specimen acquisition process.
 - b. The monitor shall always be of the same sex as the individual being tested.
2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. The monitor shall accompany the officer into the designated lavatory and shall remain there until the specimen is provided and the bottle is handed to the monitor. In the absence of circumstances that indicate an attempt to adulterate or otherwise compromise the integrity of the specimen, the monitor shall not directly observe the officer filling the specimen bottle. If there is reason to believe that the subject officer will adulterate or otherwise compromise the integrity of the test process, the Chief of Police may direct the monitor to directly observe the officer filling the specimen bottle. The information that forms the basis of the belief shall be provided in a written report not less than 72 hours after the Chief of Police authorizes direct observation.
 - c. Complying with the chain of custody procedures established for the collection of urine specimens and their subsequent submission to the State Toxicology Laboratory for analysis.
3. Prior to the submission of a urine specimen, Officers shall also complete a Drug Testing Officer Notice and Acknowledgment form (Appendix A) or a Drug Testing Applicant Notice and Acknowledgment form (Appendix B) as applicable. Officers shall also complete a medical questionnaire clearly describing all medications, both prescription and over-the-counter (nonprescription), that were ingested in the past fourteen (14) days (Appendix C).
4. The subject officer must submit two specimens.
 - a. Both specimens will be acquired according to the procedures outlined herein.
 - b. One specimen will be forwarded to the New Jersey State Toxicology Laboratory for testing.
 - c. The second specimen shall also be forwarded to the New Jersey State Toxicology Laboratory where it will be maintained for 60 days following the receipt of a positive drug test result from the laboratory by the agency.

- d. The second specimen will be released by the NJSTL under the following circumstances:
 - 1) The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
 - 2) The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - 3) The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive result.
- e. 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.
 - 1) The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
- f. 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.
- g. 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.

5. Specimen Collection

- a. Individual specimens shall be identified by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
- b. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
- c. The subject officer shall:
 - 1) Open the sealed urine specimen bottle packet.
 - 2) Put his or her social security number and date on the specimen bottle labeled with pencil.
 - 3) Write the letter "A" below the SSN on one of the labels and the letter "B" below the SSN on the other label with pencil.
 - 4) Place the completed label inside the specimen bottle.
 - 5) Produce a urine sample into the bottle.

- 6) Push the cap onto the bottle, effecting the seal.
 - 7) Immediately hand the bottle to the monitor.
- d. Procedures for collecting urine samples shall allow individual privacy unless there exists a reason to believe that a particular individual may adulterate or otherwise compromise the integrity of the specimen as outlined in Section III D 2 b. above.
 - e. If the subject is unable to provide the sample when requested,
 - 1) He or she will remain in the presence of the monitor until they can provide a sample.
 - 2) He or she will be allowed to drink fluids.
 - 3) After a period of up to 2 hours, the subject will again attempt to provide a sample.
 - 4) If the subject is still unable to provide a sample, the Chief of Police shall be notified and will determine whether the officer will remain in the presence of the monitor until further attempts to produce a sample are successful or whether the testing of the subject officer will be discontinued.
 - 5) If the Chief of Police determines to discontinue the testing, the subject officer shall be directed to obtain a medical evaluation to determine if the failure to provide a sample was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug screening.
 - f. The monitor shall take possession of the specimens.
 - g. The monitor shall inspect the bottle to make sure it has been properly sealed.
 - h. The monitor shall return the specimens to the custody of the Internal Affairs Supervisor at the testing processing desk.
 - i. The Internal Affairs Supervisor shall place all specimens in a secured (controlled access) and refrigerated storage area until it is delivered to the State Toxicology Laboratory.
6. Once the officer has relinquished the specimens to the monitor and it has been accepted, the officer has fulfilled his or her obligation and shall not be ordered to resubmit urine specimens absent reasonable suspicion or another random selection.

E. Submission to the State Toxicology Laboratory

1. All urine specimens for drug screening will be submitted to the State Toxicology Laboratory.
2. The specimens shall be stored in a controlled access refrigerator until such time as they can be delivered to the State Toxicology Laboratory.

3. Specimens shall be delivered to the State Toxicology Laboratory as soon as possible after their collection. The samples will be hand-delivered by the Internal Affairs Supervisor or other officer designated by the Chief of Police.
 - a. 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.
4. Any specimen that shows evidence of tampering or damage will be rejected by the State Toxicology Laboratory.

F. Testing

1. The specimen will be tested by the State Toxicology Laboratory for the following substances and their metabolites:
 - a. Amphetamines;
 - b. Barbiturates;
 - c. Benzodiazepines;
 - d. Cocaine;
 - e. Marijuana;
 - f. Methadone;
 - g. Opiates;
 - h. Oxycodone/Oxymorphone; and
 - i. Phencyclidine.

G. Drug test results

1. The State Toxicology Laboratory shall notify this agency of any positive test results in writing as soon as possible, but no longer than 20 working days from the date of the submission.
2. Under no circumstances will this agency or any individual from this agency resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.
3. This agency shall notify the officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. The subject officer will be provided with a copy of the laboratory report.

H. Consequences of a positive test result

1. Any applicant who tests positive for illegal drug use shall be:
 - a. Immediately removed from consideration for employment by the agency;
 - b. Reported to the Central Drug Registry maintained by the Division of State Police;

- c. Precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - 1) Where 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.
7. Any officer who tests positive for illegal drug use shall be:
 - a. Immediately suspended from all duties without pay;
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the East Windsor Township Police Department;
 - c. Reported to the Central Drug Registry maintained by the Division of State Police; and
 - d. Permanently barred from future law enforcement employment in New Jersey.
- I. Consequences of a refusal to submit to a drug test
 1. The Chief of Police shall make a determination whether an officer refused to submit to a drug test.
 2. Any officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection shall be:
 - a. Immediately suspended from all duties without pay;
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the East Windsor Township Police Department;
 - c. Reported to Central Drug Registry maintained by the Division of State Police; and
 - d. Permanently barred from future law enforcement employment in New Jersey.
- J. Record Keeping
 1. The Internal Affairs officer shall maintain all records relating to the drug screening of the sworn members of the East Windsor Township Police Department.
 2. For reasonable suspicion drug testing, the records shall include at least:
 - 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. Initiation of the disciplinary process (dismissal) resulting from any positive result.
3. For random drug testing, the records will include at least:
- a. A description of the process used to randomly select officers for drug testing;
 - b. The date of that selection;
 - c. A copy of the document listing the identities of those selected for drug testing;
 - d. A list of those who were actually tested;
 - e. The date the urine was collected;
 - f. The monitor(s) of the collection process;
 - g. 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;
 - h. The results of the drug testing;
 - i. Copies of notifications to the subject;
 - j. Initiation of the disciplinary process (dismissal) resulting from any positive result.
4. The records of drug testing shall be maintained with the same level of confidentiality as all internal affairs files.

K. Central Drug Registry

- 1. The Chief of Police shall notify the Division of State Police, Central Drug Registry, of the identity of any applicants or sworn law enforcement officers who test positive for the illegal use of drugs.
- 2. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - a. Name and address of the submitting agency, and contact person;
 - b. Name of the individual who tested positive;
 - c. Last known address of the individual;
 - d. Date of birth;
 - e. Social security number;
 - f. SBI number (if known);

- g. Gender
 - h. Race
 - i. Eye Color
 - j. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample.
 - k. Date of the drug test or refusal;
 - l. Date of final dismissal or separation from the agency; and
 - m. Whether the individual was an applicant, trainee or sworn law enforcement officer.
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

APPENDIX A

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with the East Windsor Township Police Department, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the above listed department.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I refuse to undergo testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

Signature of Officer Date

Signature of Witness Date

APPENDIX B

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

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

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

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two-year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

Signature of Applicant Date

Signature of Witness Date

APPENDIX C

East Windsor Township Police Department

**DRUG TESTING
MEDICATION INFORMATION**

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

all that apply:

- A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

- B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

- C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

Social Security Number & Initials

Date

Signature of Witness

Date

(5/03)