

	<h1>Standard Operating Procedure</h1>		Volume: 2	Chapter: 03
			Title: Drug Testing	Pages: 10
Issuing Authority: Steven R. Peters #201 Chief of Police		References: Attorney General's Law Enforcement Drug Testing Policy		
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Accreditation Section		4/24/13	3, 6	2.03-1(C)2b, 2.03-1(I) 5
Accreditation Standard				

PURPOSE: To establish procedures for conducting and administering a drug testing program to identify illegal drug use, drug dependence or drug abuse by applicants for sworn law enforcement positions and for all full time sworn members of the Ocean Township Police Department. Newly appointed officers, while attending a basic police academy, will be subject to drug testing as established by that academy. Any issue not specifically noted within this policy shall be determined by the Attorney General's Law Enforcement Drug Testing Policy.

POLICY: It shall be the policy of the Ocean Township Police Department to conduct drug tests under the following circumstances:

- A. Applicants for the position of Police Officer
 - 1. Applicants may be required to submit a urine specimen at any time prior to appointment.
- B. Law Enforcement trainees subject to the Police Training Act while they attend a mandatory basic training course.
- C. Sworn Law Enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C: 39-6

DEFINITIONS:

- A. Sworn Law Enforcement Officer: All sworn employees including ranking officers and SLEO's II
- B. Supervisor: Sworn employees assigned to a position having responsibility for supervising subordinates or responsibility for commanding a work element
- C. Drug Test: A urinalysis test administered under approved conditions and conducted to detect drugs.

- D. Central Drug Registry: Database maintained by the New Jersey State Police containing the identities of applicants, trainees and sworn law enforcement officers who have tested positive for illegal use of drugs or for refusal to submit to testing.

2.03-1 PROCEDURE:

A. Applicants

1. The Ocean Township Police Department will provide written notification to all applicants that the pre-employment process will include drug testing. The notification will also indicate a negative result is a condition of employment and that a positive result will result in:
 - a. The applicant being dropped from consideration for employment.
 - b. Cause the applicant's name to be reported to the Central Drug Registry maintained by the New Jersey State Police.
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.
 - d. If the applicant is currently employed by another law enforcement agency as a sworn officer and the officer tests positive for drug abuse, 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.

B. Trainees

1. Newly appointed officers will be informed that drug testing is mandatory during basic training and that a negative result is a condition of employment. A positive result shall result in:
 - a. The officer being terminated from employment
 - b. Inclusion of the officer's name in the Central Drug Registry maintained by the New Jersey State Police
 - c. The officer being permanently barred from future law enforcement employment.
2. Newly appointed officers shall be informed that the refusal to submit to a drug test will result in termination from employment and a permanent ban from future law enforcement employment in New Jersey

C. Sworn Law Enforcement Officers

1. Reasonable suspicion testing
 - a. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the department shall prepare a written report documenting the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or the Chief of Police prior to a test being ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
 - b. The officer tested will be informed that a negative result is a condition of employment and that a positive result shall result in:
 - The officer being terminated from employment
 - Inclusion of the officer's name in the Central Drug Registry maintained by the New Jersey State Police
 - The officer being permanently barred from future law enforcement employment.
 - c. The officer will also be advised that refusal to submit to a drug test based on reasonable suspicion, after lawfully being ordered to do so, will subject him to the same penalties as those officers who test positive for illegal use of drugs.

2. Random Drug Testing

- a. The Ocean Township Police Department will conduct random drug testing upon all sworn personnel regardless of rank or assignment.
- b. There shall be two tests per calendar year with a minimum of 6 officers selected to submit samples during each testing process. One or both tests may include testing for steroids.
- c. The Chief of Police shall determine the exact dates of the selection.
- d. Selection shall be made randomly utilizing a computer program listing all sworn personnel by social security number.
- e. The selection process shall be conducted by the Commander of the Office of Professional Responsibility (OPR), witnessed by the Chief of Police, or his designee, Division Commander of Operations, one representative from the PBA and one representative of the SOA.
- f. The OPR commander and each witness shall sign a printed copy of the list of selected social security numbers. The original document shall be maintained in the internal affairs files within the Chief's Office
- g. Any member of the department who discloses the fact that a random selection has been scheduled to take place prior to the collection of urine specimens or the identity of an officer selected for testing shall be subject to departmental charges.
- h. Any member of the Township of Ocean Police Department who refuses to submit to drug testing when randomly selected will be subject to the following sanctions:
 - The officer shall be immediately suspended from all duties
 - The officer will be terminated from employment as a law enforcement officer, upon final disciplinary action;
 - The officer will be reported to the Central Drug Registry maintained by the New Jersey State Police
 - The officer will be permanently barred from future law enforcement employment in New Jersey

D. Specimen Acquisition Procedures

1. A member of the Office of Professional Responsibility unit shall act as monitor of the specimen acquisition process. If the OPR officer is not of the same sex as the individual being tested, a person of the same sex will be selected by the OPR officer to act as monitor.
2. Monitors 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 the specimens in a manner that provides the individual privacy while enduring the integrity of the specimen.
 - c. Complying with the chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory with the Division of Criminal Justice for analysis.
3. Prior to submission of a urine specimen, the selected officers shall complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter non-prescription that were ingested during the previous 14 days.
 - a. The medical questionnaire shall be witnessed by the monitor
 - b. The medical questionnaire shall be sealed in an envelope by the officer being tested and held by the Office of Professional Responsibility until delivery to the New Jersey State Toxicology Laboratory.

- c. If an officer requests a second sample taken, a second copy of the questionnaire shall be sealed in an envelope marked "Random Drug Screening Use Only" and signed over the seal by both the officer being tested and the monitor.
 - The sealed enveloped shall be held by the Office of Professional Responsibility
 - The envelope shall not be opened unless an officer tests positive.
 - Upon notification of a negative test, the sealed envelope shall be returned to the officer

E. Specimen Collection

1. Throughout the testing process, the identity of the selected officers shall remain confidential.
 - a. Specimens shall be identified by social security numbers
 - b. An officer's name shall not appear on any form or specimen container sent to the NJ State Toxicology Laboratory.
2. Urine specimens shall be acquired and processed in accordance with procedures established by the NJ State Toxicology Laboratory.
 - a. Specimens shall be collected utilizing only equipment and supplies approved by the NJ State Toxicology Laboratory
 - b. The Office of Professional Responsibility shall be responsible for maintaining an adequate supply of approved containers.
3. The officer shall void without the direct observation of the monitor however the monitor shall be in a position to observe any obvious attempt by the officer to contaminate or compromise the integrity of the sample.
 - a. Any attempt to compromise the sample shall be considered a refusal to submit and will result in immediate suspension pending removal.
 - b. After the monitor has inspected the appropriate forms for accuracy, the officer will void directly into the specimen collection container.
 - c. After the specimen has been produced, the officer shall seal the container and deliver it to the monitor.
 - d. The monitor shall take possession of the specimen and ensure its delivery to the NJ State Toxicology Laboratory for analysis.
4. Officers who cannot produce a sample when called upon shall remain under the supervision of the Office of Professional Responsibility until a sample is produced.
 - a. The officer may be provided with fluids to try to facilitate the production of a sample
 - b. After one hour the Chief of Police or OPR officer shall determine whether to allow more time
 - c. The officer may be examined by a physician to determine if the inability to produce actually constitutes a refusal to submit
5. Officers may provide a second urine specimen at the same time that the first sample is collected.
 - a. The second sample cannot be submitted at a later time
 - b. Second samples shall be collected in the same fashion as the first.
 - c. The second sample shall be submitted to the Office of Professional Responsibility
 - d. The second sample shall be secured in the evidence refrigerator in the evidence vault for a period of 60 days or until the
 - e. Department receives notification from the NJ State Toxicological Laboratory that the first test is negative

F. Second Sample Testing

1. If an officer is advised that the first specimen submitted tested positive, the officer may have the second sample tested by an independent laboratory.
 - a. A written request must be submitted to the Chief of Police.
 - b. The request must designate a laboratory that is licensed as a clinical laboratory by the NJ Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the analysis.
 - A listing of licensed labs is available from the NJ Department of Health
 - The officer is responsible for any fees associated with the independent analysis.
2. A representative of the designated laboratory must take possession of the second specimen within sixty (60) days of the date the specimen was produced.
 - a. Transfer of possession of the specimen must follow accepted chain of custody procedures.
 - b. The Department shall go to no extraordinary measures to facilitate the transfer of the specimen.
3. Submission of a second specimen will have no effect on the officer's status within the Department. Suspensions shall remain in effect and termination procedures shall continue

G. Random Drug Testing Advisements

1. Prior to collection of specimens, the Commander of the Office of Professional Responsibility shall advise the selected officers that a negative result is a condition of employment with the department. A positive test shall result in the following:
 - a. Immediate suspension from all duties
 - b. Termination from employment as a law enforcement officer upon final disciplinary action
 - Officers will be afforded all rights of due process in accordance with any laws and collective bargaining agreements
 - c. Inclusion in the Central Drug Registry maintained by the New Jersey State Police
 - d. Being permanently barred from future law enforcement employment in the state of New Jersey
2. Officers shall be advised that failure to provide a specimen when so ordered carries the same consequences, as does a positive test result.

H. Submission of Samples

1. The Department will make every effort to deliver collected samples to the NJ State Toxicology Laboratory within 24 hours of collection.
2. If samples cannot be delivered within 24 hours, they shall be delivered as soon as possible.
3. While awaiting delivery, the samples shall be stored in the evidence refrigerator in the evidence vault.
4. The Office of Professional Responsibility shall be responsible for assigning a superior officer to transport the samples to the laboratory.
 - a. Under no circumstances shall a tested officer be assigned to transport samples.

I. Analysis of Samples

1. All samples shall be subject to an initial test utilizing fluorescence polarization immunoassay analysis

2. Samples that test positive as a result of the initial test will be subject to a gas chromatography/mass spectrophotometer analysis to confirm the results of the initial test.
3. If the second test confirms the results of the initial test, a medical review officer shall compare the test results with the medical questionnaire submitted with the sample to determine whether any substance listed would explain the positive result. The medical review officer may direct the department to obtain further information from the officer concerning information on the questionnaire. If the positive test cannot be explained by submission of this information the medical review officer will issue a report indicating the sample tested positive.
 - a. Upon receipt of that report, the Department shall take action as mandated by the New Jersey Attorney General's Office.
4. The lab shall analyze each sample for the following substances and their metabolites.
 - a. Amphetamine / methamphetamine
 - b. Barbiturates
 - c. Benzodiazepine
 - d. Cannabinoids
 - e. Cocaine
 - f. Methadone
 - g. Phencyclidine
 - h. Opiates
5. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids.
6. The analysis of each sample shall be done in accordance with procedures adopted by the NJ State Toxicology Laboratory.
 - a. Security of the test samples
 - b. Chain of custody
 - c. Metabolite cut-off levels
 - d. Issuance of test reports

J. Test Results

1. The NJ state Toxicology Laboratory will advise the Department in writing of a positive test result within 15 days of submission of the sample. A report indicating a positive test result will not be issued until the sample has undergone a confirmatory test and the medical review officer has reviewed the test results and submitted information as outlined in section I above.
2. Upon receipt of a positive test report the department will notify the affected applicant of officer as soon as is practical. The individual shall be provided a copy of the lab report upon request.
3. Under no circumstances will the Department be permitted to resubmit a sample for testing or request that a particular sample in the possession of the lab be retested.

K. Records

1. The Office of Professional Responsibility shall maintain all records related to drug testing. Those records shall include but not be limited to the following:
 - a. The identity of those ordered to submit urine samples
 - b. The reason for the order
 - c. The date the sample was collected
 - d. The identity of the monitor of the collection process

- e. The chain of custody from the time of collection until received by the NJ State Toxicology Laboratory
 - f. The results of the test
 - g. Copies of notifications to tested officers
 - h. Documentation of disciplinary action taken for any positive result or refusal to submit.
- 2. Random drug testing records shall include the additional information
 - a. A description of the process used to randomly select officers for drug testing as outlined in this standard operating procedure.
 - b. The date of the selection
 - c. A copy of the document listing the identities of those selected for testing
 - d. A list of those who were tested
 - e. The dates of the test
 - 3. Drug testing records shall be maintained as internal affairs files pursuant to the NJ Attorney General's Internal Affairs Policy
- L. Central Drug Registry
- 1. In the event of a positive test result, the Department shall provide the following information to the Central Drug Registry
 - a. Name of the individual who tested positive
 - b. Address of the individual who tested positive
 - c. Date of birth
 - d. Social Security Number
 - e. Gender
 - f. Race
 - g. Eye Color
 - h. Substance for which the individual tested positive or circumstances of the refusal to submit
 - i. Date of positive test
 - j. Date of removal from office
 - k. Status of individual, i.e. applicant, trainee or sworn officer
 - l. Reason for testing
 - 2. Notification must be made on Department's Central Drug Registry form over the signature of the Chief of Police
 - 3. Information maintained in the central registry will be released by the New Jersey State Police only in response to an inquiry by a law enforcement agency as part of a background investigation for prospective or newly appointed officers, and response to a court order