PENNINGTON BOROUGH POLICE DEPARTMENT **GENERAL ORDER**

VOLUME: 1

CHAPTER: 4

OF PAGES: 11



DRUG TESTING GUIDELINES

BY THE ORDER OF:

ACCREDITATION STANDARDS:

N/A

Director William Meytrott

EFFECTIVE DATE: August 2, 2016

Revised Date:

February 15, 2019

SUPERSEDES ORDER #: Revision of Volume 1, Chapter 4

PURPOSE

The purpose of this general order is to establish policy and procedures consistent with the guidelines established by the Attorney General of the State of New Jersey and the Mercer County Prosecutor regarding drug testing.

POLICY

It is the policy of the Pennington Borough 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. This general order is considered an extension of this agency's rules and regulations for purposes of drug screening.

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.

PROCEDURES

I. Definitions

- A. <u>Applicant</u> is any person who applies for the position of police officer in the Pennington Borough Police Department.
- B. Recruit/Trainee is any applicant who is undergoing mandatory basic training in a police academy.
- C. <u>Police Officer</u> is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state.
- D. <u>Supervisor</u> is an officer formally assigned to a position having day-to-day responsibility for supervising subordinates or who is responsible for commanding a work unit.
- E. <u>Employee</u> includes any civilian employee assigned to or under the supervision of the police department.
- F. <u>Drug Test</u> 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.
- G. <u>Positive Result</u> 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.
- H. Random Selection is defined as the method by which every police officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.
- Reasonable Suspicion is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

II. Testing – General

A. Police Officer Applicants

- Applicants for the position of police officer shall be required to submit a
 urine specimen at any time prior to appointment. A statement of this
 requirement shall be included in the application for employment.
- 2. A negative result is a condition of employment.

- 3. A positive result or a refusal to submit a specimen for testing, will result in the applicant being dropped from consideration for employment, cause the applicant's name to be reported to the central drug registry maintained by the State Police, and preclude the applicant from being considered for future law enforcement employment for a period of two years.
- 4. If the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for unlawful drug use, the officer's employing agency shall be notified of the test results without undue delay.
- 5. Any Pennington Borough 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;
 - Terminated from employment as a police officer upon final disciplinary action.
 - c. Reported to the central drug registry maintained by the State Police.
 - Permanently barred from future law enforcement employment in the State of New Jersey.

B. Police Officer Recruit/Trainee

- Recruits/trainees shall be required to submit one or more urine specimens for testing at any time while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules and regulations established by the Police Training Commission.
- All newly appointed police officers shall be informed that drug testing is mandatory during their basic training.
- A negative result(s) is a condition of continued employment.
- A positive test result will result in the following:
 - a. The recruit shall be immediately dismissed from the police academy and immediately suspended from this department.
 - b. The recruit shall be terminated from employment as a police officer upon final disciplinary action.
 - c. The recruit's name shall be reported to the central drug registry maintained by the State Police.
 - d. The recruit shall be permanently barred from future law enforcement employment in the State of New Jersey.

- 5. Refusal to submit to a drug test shall result in the same penalties set forth in subsection II.A.5 above.
- 6. Individual trainees may also be required to submit a urine specimen for testing when reasonable suspicion exists to believe that the trainee is illegally using drugs. A recruit/trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the OIC, or the academy director.

C. Police Officers/Random Selection

- Urine specimens shall be ordered from in-service police officers who have been randomly selected to submit to a drug test. Normally, fifteen percent of the sworn workforce (15%) shall be selected each time. The frequency shall be at least twice per calendar year.
- A negative test result is a condition of continued employment.
- A positive test result will result in the following:
 - The police officer shall be immediately suspended from all duties;
 - b. The police officer shall be terminated from employment as a police officer upon final disciplinary action.
 - c. The police officer's name shall be reported to the central drug registry maintained by the State Police.
 - d. The police officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
- 4. Officer(s) who refuse to submit to random drug testing are subject to the same penalties set forth above in subsection II.C.3.
- Police officer(s) randomly selected who are on sick leave, vacation leave, leave of absence, special day off, or away on official business shall be immediately tested upon their return without exception.
- Any employee of the police department who discloses the identity of an
 officer selected for random drug testing, the fact that a random drug test is
 scheduled, or that they had supplied a sample for random drug testing shall
 be subject to disciplinary action.

D. Police Officers/Reasonable Suspicion

- In addition to random testing, urine specimens shall be ordered from any police 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 Mercer County Prosecutor or the OIC.
- A negative test result is a condition of continued employment.
- 3. A positive test result will result in the following:

- a. The police officer shall be immediately suspended from all duties;
- b. The police officer shall be terminated from employment as a police officer upon final disciplinary action.
- c. The police officer's name shall be reported to the central drug registry maintained by the State Police.
- d. The police officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
- 4. If a police officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the police officer is subject to the same penalties as for those who test positive for the illegal use of drugs, see above subsection II.D.3.
- 5. Regardless of the reason for testing, any police 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.
- 6. Any police officer, who has reason to believe that a member of this agency is utilizing illegal drugs, must report that suspicion or face disciplinary action.
- 7. Any police officer having reasonable suspicion of illegal drug use by another officer must report it by way of a confidential report to the Officer-In-Charge (OIC) of Police or the Internal Affairs Commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

E. Fitness for Duty Examinations

- Urine samples may be requested by a physician designated by the municipality 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 agencydesignated physician.
- All personnel shall be required to submit to urine testing when told to by the Pennington Borough physician or Pennington Borough designated physician.
- 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.

F. Civilian Personnel-Reasonable Suspicion/Fitness for Duty Examinations:

 Civilian personnel are often called upon to perform duties that had traditionally been performed by sworn police officers. All drug screening and testing for non-sworn employees shall be in compliance with Pennington Borough municipal policy.

III. Preliminary Procedures

A. Police Applicants

- Prior to the submission of a specimen, an applicant shall execute a form consenting to the collection and analysis of their urine for drugs. This form shall include wording advising them that a negative result is a condition of employment and a statement of the consequences of a positive test or refusal to submit a specimen.
- Applicants shall not complete the *Medication Information Report* prior to the submission of a specimen unless they have already received a conditional offer of employment.
- Applicants shall be subject to the acquisition procedures set forth in section IV.

B. Recruit/Trainee

 All drug testing conducted during mandatory basic training shall comply with the rules and regulations established by the Police Training Commission and conducted under the auspices of the police academy director or designee.

C. Random Testing of Sworn Police Officers

- Each sworn member of the Pennington Borough Police Department, regardless of rank or assignment, will be assigned a confidential number. The Internal Affairs Commander shall maintain a database containing officer's names, social security numbers, and the random number selected.
- 2. This confidential number assigned to police officers shall be periodically rejuvenated.
- A representative of the collective bargaining unit shall be notified of every random number selection process and may witness the random number selection. Each representative, or both, shall indicate whether they had witnessed the selection process or declined to do so on the *Random Drug Testing ID Number Selection* form.

IV. Acquisition Procedures

- A. This section applies to sworn applicant testing, random selection testing, and reasonable suspicion testing for sworn officers only.
- B. The OIC may designate any staff member(s) to act as the monitor(s). The monitor(s) shall be the same gender as the subject selected. In the event of any conflict, a monitor may be requested from another law enforcement agency.
- C. It is the duty of the monitor(s) to ensure that all required documentation is fully and accurately completed and submitted in accordance with this general order.
- D. The subject(s) selected shall fully complete a *Medication Information Report* form provided by the monitor. No subject shall make any false or misleading statements on the report. All prescription drugs listed on the form are subject to verification. (This will be the only opportunity for the subject to disclose the medication they had taken. Subjects who yield positive test results will not be given another chance to list any medication they have taken.)
- E. The monitor(s) shall collect the specimens in a manner that provides for individual privacy while ensuring the integrity of the samples provided. The place that the collection takes place will be designated by the OIC and may vary from test to test. The monitor shall complete the **Specimen Acquisition Report** form for each person tested. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory.
- F. Subjects must supply a second specimen that will be collected at the same time as the first.
- G. Subjects will provide the required specimens without direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the process. Under these circumstances, the monitor may directly observe the production of the specimens. The monitor must fully document the facts and circumstances underlying their belief that the subject may adulterate his/her specimens or compromise the integrity of the process.
- H. Subjects must provide the specimens upon being ordered to do so. Subjects that are initially unable to do so may be permitted to drink water in an attempt to induce the production of a specimen. Subjects shall not be permitted to consult with anyone prior to submitting the specimens. Any attempt to delay the submission of the specimens, based upon his/her desire to consult with anyone, will be treated as a refusal. If the subject remains unable to provide a specimen after a reasonable amount of time, the monitor may direct the individual to be examined by a physician to determine whether the inability to produce the specimens are a result of a medical or physical infirmity or a refusal to cooperate with the testing process.
- The chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to as set forth in the Attorney General's Law Enforcement Drug Testing Policy.

- J. All specimens and documentation will be delivered to the NJSTL in a timely manner.
- K. The second specimen, will be collected at the same time as the first and maintained at the State Toxicology Laboratory.
- If the test results in a negative reading, the second sample will be destroyed.
- M. If the test results in a positive reading, the officer shall notify the department within 10 days of their intent to have the second sample tested by an independent laboratory. If the sample is not claimed and presented to the independent laboratory within 60 days, it will be destroyed.
- N. The second specimen shall be released under the following circumstances:
 - This department is notified by the State of New Jersey Toxicology Laboratory that the specimen tested positive for controlled substance(s); and
 - 2. This department is notified by the officer that tested positive that they wish to have their second specimen tested by an independent laboratory; and
 - The officer designates a laboratory, licensed as an approved clinical laboratory by the New Jersey Department of Health under The New Jersey Clinical Laboratory Improvement Act, to conduct the independent test; and
 - A representative of the designated clinical laboratory takes possession of the second specimen in accordance with acceptable chain of custody procedures.
- All secondary testing of specimens shall be at the expense of the police officer tested.
- P. ANY POLICE OFFICER OR EMPLOYEE OF THE POLICE DEPARTMENT WHO KNOWINGLY TAMPERS WITH ANY SPECIMEN, OR OTHERWISE COMPROMISES THE TESTING PROCESS SHALL BE SUBJECT TO CRIMINAL AND/OR DISCIPLINARY ACTION.
- Q. The State Toxicology Laboratory shall minimally analyze each specimen for the following substances and their metabolites:
 - 1. Amphetamine/methamphetamine:
 - Barbiturates:
 - Benzodiazepine;
 - Cannaboids;
 - Cocaine;
 - Methadone;

- 7. Phencyclidine;
- Opiates;
- Other drug or substance deemed necessary by the OIC, County Prosecutor, or Attorney General.
- R. The OIC may request that one or more specimens be analyzed for the presence of anabolic steroids and/or their metabolites.
- S. In the event of a positive test result, the applicant, trainee, or sworn officer shall be notified as soon as practicable. Upon written request, the individual may receive a copy of the laboratory report.
- T. Under no circumstances may this agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

V. Accidental/Inadvertent Exposure

A. Any police officer or employee who believes that they 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 police officer or employee must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the OIC or the Internal Affairs Commander through the chain of command. If the exposure occurs off duty, notification must be made without undue delay.

VI. Positive Test Result Precipitated by Lawful and Reported Prescription Medication

A. Any test that reveals the presence of a drug or substance listed on the subject's Medication Information Report will be reported to this department. This result will be reported with the explanation that the substance was listed on the Medication Information Report. The OIC will have the option of causing a further investigation into the propriety of the listed substance and its use.

VII. Notifications

- A. The OIC shall notify the Pennington Borough Public Safety Director, Mercer County Prosecutor and the First Assistant Prosecutor if any police officer tests positive or refuses to be tested pursuant to this general order.
- B. Applicants, trainees and sworn officers who test positive for the unlawful use of drugs, or who refuses an order to submit a urine sample when ordered to shall be reported to the Central Drug Registry maintained by the New Jersey State Police on a form approved for use by the Attorney General. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - 1. Name and address of the submitting agency, and the contact person;
 - 2. Name of the individual who tested positive;
 - Their last known address;

- Their date of birth:
- Their social security number;
- 6. Their SBI number (if known);
- 7. Their gender;
- 8. Their race:
- Their eye color;
- 10. The substance they tested positive for, or circumstances of the refusal to submit a urine sample;
- Date of the drug test or refusal;
- 12. Date of final dismissal or separation from this agency; and
- 13. Whether the subject was an applicant, trainee or sworn officer.
- C. The certification section of the notification form must be completed by the OIC and notarized with a raised seal.

VIII. Recordkeeping

- A. The Office of Internal Affairs shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. These records shall include, but are not limited to:
 - The identity of those ordered to submit urine samples;
 - 2. The reason for the order:
 - 3. The date the sample was collected;
 - 4. The name of the monitor;
 - 5. The chain of custody of the sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
 - The results of the drug testing;
 - 7. Copies of notifications to the subject of the drug testing; and
 - For any positive result, documentation from the employee's physician that the medication was lawfully prescribed and does not render the employee unfit for duty;
 - For any positive result or refusal, appropriate documentation of the disciplinary action.
- C. For random selection drug testing, the records will also include:

- A description of the process used to randomly select officers for drug testing;
- The date the selection was made;
- A copy of the document listing the identities of those selected for drug testing;
- 4. A list of those who were actually tested; and
- 5. The date(s) those officers were tested.
- D. Sworn applicant drug testing, random selection drug testing, and reasonable suspicion for sworn officer 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 Manual.

IX. Forms to Be Completed

A. The attached forms are to be filled out as stated.

ATTACHMENTA

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

I,, understand that as part of the p will conduct a compreh determine my suitability for the position for which I have applie	nensive background investigation to						
understand that as part of this process, I will undergo drug testing through urinalysis. I understand that negative drug test result is a condition of employment. I understand that if I refuse to undergo the esting, I will be rejected from employment.							
I understand that if I produce a positive test result for illegal dru	g use, I will be rejected for employmen	t.					
I understand that if I produce a positive test result for illegal dru information will be forwarded to the Central Drug Registry main information from that registry can be made available by court of investigation relating to employment with a criminal justice age	tained by the Division of State Police. rder or as part of a confidential						
I understand that if I produce a positive test result for illegal dru a sworn law enforcement officer, I will be barred from future law Jersey for two years from the date of the test. After this two-ye considered in evaluating my fitness for future criminal justice en	w enforcement employment in New ar period, the positive test result may b						
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Signature of Applicant Date	Signature of Witness Date						

ANTAGHMENTAB

DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

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Signature of Trainee	Date		Signature of Witness	Date

ATTACHMENT C

DRUG TESTING

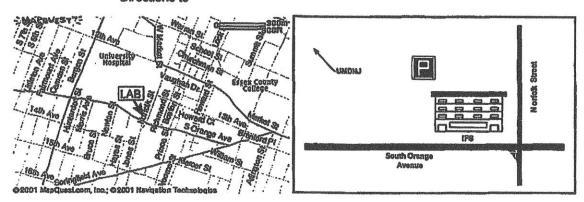
OFFICER NOTICE AND ACKNOWLEDGMENT

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ATTACHMENTE

Directions to



State Toxicology Laboratory Edwin H. Albano Institute of Forensic Science (IFS) 325 Norfolk Street Newark, New Jersey 973-648-3915

From Garden State Parkway North:

- 1. Take Exit 144, South Orange Avenue.
- 2. Make a right on South Orange Avenue.
- 3. Continue about 25 blocks to intersection at Bergen Street (UMDNJ campus is on left.)
- Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From Garden State Parkway South:

- 1. Take Exit 145, East Orange.
- 2. Take 1-280 East to first exit (Newark).
- 3. Make a right on First Street. This becomes Bergen Street.
- 4. Continue to fifth traffic light at South Orange Avenue.
- 5. Make a left.
- 6. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From New Jersey Turnpike North:

- 1. Take Exit 14, Newark.
- 2. After toll plaza, take 1-78 West (express or local).
- 3. Take Exit 56, Hillside Avenue.
- 4. Continue on Hillside Avenue to end at Avon Avenue.
- 5. Make left on Avon Avenue.
- 6. Continue one block to traffic light on Irvine Turner Blvd.
- Make right on Irvine Turner Blvd. (which becomes Jones St.) and continue to traffic light at South Orange Avenue.
- 8. Turn left and enter first driveway on right behind two story brick building (IFS).

From New Jersey Tumpike South:

- 1. Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.
- 2. At the traffic light, make a left.
- 3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
- 4. Turn right and enter first driveway on right behind two story brick building (IFS).

ATTACHMENTE

NOTIFICATION TO THE CENTRAL DRUG REGISTRY

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DATE OF THE DRUG TEST OR REFUSAL DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY								
CERTIFICATION (Must be completed by Chief or Director, Must be notarized with raised seal)								
I hereby affirm that the above information is true and correct to the best of my knowledge.								
Print Name Title					-	Z	Signature	*************************************
Sworn and subscribed before me this day of,								
(Seal)								

Mail to: Division of State Police

Records and Identification Section

P.O. Box 7068

West Trenton, New Jersey 08628-0068