

HOWELL POLICE DEPARTMENT GENERAL ORDER



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SUBJECT: DRUG TESTING GUIDELINES

EFFECTIVE DATE:
May 9, 2018

**ACCREDITATION
STANDARDS:**

SUPERSEDES ORDER #:
V1C13 (Dated 4/12/18)

BY THE ORDER OF:

Chief Andrew Kudrick, Jr.

PURPOSE The purpose of this general order is to establish policy and procedures consistent with the New Jersey Attorney General’s Law Enforcement Drug Testing Policy, revised April 2018, the New Jersey Attorney General’s Law Enforcement Directive No. 2018-2, and Monmouth County Prosecutor’s Directive on Drug Testing, May 2018.

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

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

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

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

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

This general order is considered an annex to the Rules and Regulations of the police department.

PROCEDURES

I. Definitions

- A. **Applicant** is any person who applies for the position of police officer in the Howell Police Department Police Department.
- B. **Recruit/Trainee** is any applicant who is undergoing mandatory basic training in a police academy.
- C. **Officer** is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state.
- D. **Supervisor** 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. **Employee** includes any civilian employee assigned to or under the supervision of the police department.
- F. **Drug Test** is the compulsory production and submission of urine by an employee in accordance with these established procedures for laboratory analysis to detect prohibited drug use.
- G. **Positive Result** is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis **and** a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed on the report does not explain the test result.
- H. **Random Selection** is defined as the method of selection in which each and every sworn member of the agency (***excluding trainees in a police academy and sworn officers on extended sick/injury leave***), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this general order, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
- H. **Reasonable Suspicion** is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

II. Testing – General

A. Applicants

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

B. Recruit/Trainee

1. Recruits/trainees shall be required to submit 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.
2. All newly appointed officers shall be informed that drug testing is mandatory during their basic training.
3. A negative result(s) is a condition of continued employment.
4. 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.B.4 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 Chief of Police, or the academy director.

C. Police Officers/Random Selection

1. All sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.
2. Random drug testing shall occur at a minimum of two times per calendar year, but may occur on a more frequent basis at the discretion of the Chief of Police.
3. Ten percent of the sworn workforce (10%) shall be selected each time.
4. Urine specimens shall be ordered from sworn officers who have been randomly selected to submit to a drug test.
5. A negative test result is a condition of continued employment.
6. A positive test result will result in the following:
 - a. The officer shall be immediately suspended from all duties;
 - b. The officer shall be terminated from employment as a police officer upon final disciplinary action.
 - c. The officer's name shall be reported to the central drug registry maintained by the State Police.
 - d. The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
7. Officer(s) who refuse to submit to random drug testing are subject to the same penalties set forth above in subsection II.C.6.
8. 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. However, officers who are on extended sick / injury leave shall be excluded from the agency random selection process and the reason for such exclusions shall be documented.
9. 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

1. 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 Monmouth County Prosecutor or the Chief of Police. A written report which documents the basis for the reasonable suspicion must be prepared and reviewed by the Chief of Police before a reasonable suspicion test may be ordered. In emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
2. A negative test result is a condition of continued employment.
3. A positive test result will result in the following:
 - a. The officer shall be immediately suspended from all duties;
 - b. The officer shall be terminated from employment as a police officer upon final disciplinary action.
 - c. The officer's name shall be reported to the central drug registry maintained by the State Police.
 - d. The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
4. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the 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 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 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 officer having reasonable suspicion of illegal drug use by another officer must report it by way of a confidential report to the Chief of Police or the Internal Affairs Commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

E. Fitness of Duty Examinations

1. Urine samples may be requested by a physician designated by the Township of Howell 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 Howell Township-designated physician.

2. All personnel shall be required to submit to urine testing when told to by the Howell Township physician or Howell Township-designated physician.
3. Failure to submit to this physician ordered urine testing shall be considered a form of gross insubordination and subject to termination upon final disciplinary action.

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

1. Civilian personnel are often called upon to perform a myriad of duties that had traditionally been performed by sworn police officers. These duties require civilians to act and otherwise make decisions that are a matter of public safety and include, but are not limited to the following positions:
 - a. Public Safety Telecommunications staff members;
 - b. Police Aides/Detention Center Aides/Jailers;
 - c. School Crossing Guards;
 - d. Parking Enforcement Officers;
 - e. Court Attendants/Bailiffs;
 - f. Clerks/Stenographers/Secretaries,
 - g. Emergency Medical Technicians, etc.;
2. Urine specimens shall be ordered from any civilian employee when reasonable suspicion exists to believe that the employee is improperly using drugs. For this purpose, urine specimens shall not be ordered from the employee without the approval of the Chief of Police, Internal Affairs Commander or designee.
3. Reasonable suspicion drug testing and fitness for duty drug testing will normally be performed by a physician or facility designated by the Town Manager.
4. If an employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the employee is subject to termination upon final disciplinary action for gross insubordination.
5. Any employee who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion or face disciplinary action. These suspicions must be reported by way of a confidential report to the Chief of Police or the Internal Affairs Commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

III. Preliminary Procedures

A. Police Applicants

1. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section II A of this policy. Applicants shall not complete a Drug Testing Medication Information form (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology laboratory for analysis, the Howell Police Department receives a report indicating that the specimen tested positive for a controlled substance. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

B. Recruit/Trainee

1. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section II B of this policy. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), that were ingested in the past 14 days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

C. Random Testing of Sworn Police Officers

1. The Howell Police Department shall utilize computer software known as RandomWare for the random selection process. The social security number of each sworn member of the Howell Police Department, regardless of rank or assignment, will be entered into the RandomWare data management software.
2. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section II C & D of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer

during the past 14 days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

3. A representative of the police union(s) shall be notified of every random selection process and may witness the random 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.

D. Civilian Employees

1. Mandatory drug testing will be performed on all civilian police employees after being provided with a conditional offer of employment, but prior to hiring. All testing will be performed under the auspices of the Town Manager at a location selected by the Town Manager.
2. Reasonable suspicion drug testing and drug testing performed during a fitness for duty examination are also under the auspices of the Town Manager at a location selected by the Town Manager.
3. Drug test results will normally be forwarded to the Howell Township physician or Howell Township-designated physician for review. The physician will interpret the results and tender a recommendation to the Town Manager concerning the employee's employment status.
4. If the drug test reveals the use of any unlawful substance, the employee will have the conditional offer of employment withdrawn or be subject to termination upon final disciplinary action, whatever is applicable.
5. The presence of a lawful substance is subject to review by the Howell Township designated physician and Chief of Police to determine if the substance is or has adversely affected the employee's job performance. Any employment action will be decided on a case-by-case basis in comportment with ADA guidelines.

IV. Acquisition Procedures

- A. This section applies to sworn applicant testing, random selection testing, and reasonable suspicion testing for sworn officers only.
- B. Preliminary Acquisition Procedures
 1. The Chief of Police 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. Monitor Responsibilities
 1. 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 (the donor).

- b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
 - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

D. Specimen Collection

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit contents on a clean surface.

4. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
 - a. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (See Section E. "Shy Bladder" Procedure below)
8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "Yes/No" column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Submission of Specimens for Analysis below).

E. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.

- c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
 2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
- F. **Second Specimen**
 1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
 2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
 3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
 4. The positive urine donor must designate, from a list maintained by the 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.
 - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
 5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
 6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

V. Submission of Specimens For Analysis

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing

Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Howell Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- D. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
 - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

VI. Analysis of Specimens

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, the Chief of Police may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - 1. Amphetamines;
 - 2. Barbiturates;
 - 3. Benzodiazepine;
 - 4. Cocaine;
 - 5. Marijuana;
 - 6. Methadone;
 - 7. Opiates;

8. Oxycodone/Oxymorphone;
 9. Phencyclidine.
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
 2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VII. Drug Test Results

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication

information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.

- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

VIII. Consequences of a Positive Test Result

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment by the department.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
 - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - 4. 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. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
 - 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer by the appointing authority.
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
 - 1. The officer shall be immediately suspended from all duties.

2. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer.
3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

IX. 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 Chief of Police will have the option of causing a further investigation into the propriety of the listed substance and its use. The Chief of Police may require documentation from the employee's physician that the medication was lawfully prescribed and does not render the employee unfit for duty.

X. Consequences of a Refusal to Submit to a Drug Test

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

XI. Resignation/Retirement In Lieu of Disciplinary Action

- A. A sworn law enforcement officer who tests positive for illegal 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 by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XII. Accidental/Inadvertent Exposure

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

XIII. Notifications

- A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office **within 48 hours**. Upon completion of any disciplinary action, the Howell Police Department shall report the discipline to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office.
- B. By **December 31st** of each year, the Howell Police Department shall provide written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive
- C. 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;
 - 3. Their last known address;
 - 4. Their date of birth;
 - 5. Their social security number;
 - 6. Their SBI number (if known);
 - 7. Their gender;

8. Their race;
 9. Their eye color;
 10. The substance they tested positive for, or circumstances of the refusal to submit a urine sample;
 11. Date of the drug test or refusal;
 12. Date of final dismissal or separation from 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 Chief of Police and notarized with a raised seal.

XIV. 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:
1. 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;
 6. The results of the drug testing;
 7. Copies of notifications to the subject of the drug testing;
 8. 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;
 9. For any positive result or refusal, appropriate documentation of the disciplinary action.
- C. For random selection drug testing, the records will also include:
1. A description of the process used to randomly select officers for drug testing;
 2. The date the selection was made;
 3. 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.
- E. Drug testing records for civilian employees will be kept and maintained by the Business Administrator.

XV. Public Accessibility And Confidentiality

- A. The Howell Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.