

# HOWELL POLICE DEPARTMENT GENERAL ORDER



<b>VOLUME: 1</b>	<b>CHAPTER: 13</b>	<b># OF PAGES: 19</b>
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**SUBJECT: DRUG TESTING GUIDELINES**

**EFFECTIVE DATE:**  
April 10, 2023

**ACCREDITATION  
STANDARDS: 1.3.3**

**SUPERSEDES ORDER #:**  
V1C13 (Dated 04/12/2018)  
V1C13 (Dated 05/09/2018)  
V1C13 (Dated 02/15/2021)

**BY THE ORDER OF:**

**Chief John F. Storrow**

**PURPOSE:** The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised February 2023, the Monmouth County Prosecutor's Directive on Drug Testing, and New Jersey Attorney General's Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees regarding the agency's drug testing policy.

The purpose of this general order is to deter illegal drug use, including unregulated marijuana, by law enforcement officers. The policy provides a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive shall be terminated from employment.

**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.

## PROCEDURE:

### 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.)
- I. **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 comportment 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 or is under the influence of a controlled dangerous substance or cannabis during work/training hours. 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 illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. 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 illegally using or is under the influence of a controlled dangerous substance or cannabis during work/training hours. 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.

## G. Reasonable Suspicion

1. Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."
2. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
  - a. The nature and source of the information;
  - b. Whether the information constitutes direct evidence or is hearsay in nature;
  - c. The reliability of the informant or source;
  - d. Whether corroborating information exists and the degree to which it corroborates the accusation; and
  - e. Whether and to what extent the information may be stale.
3. Reasonable Suspicion Testing for Cannabis Use - Consuming or being under the influence of cannabis while at work or during work/training hours is strictly prohibited. Officers/Trainee shall be tested for cannabis in the following situations:
  - a. Upon reasonable suspicion of the officer's/trainee's use of a cannabis item while engaged in the performance of the officer's/trainee's duties, or
  - b. Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's/trainee's duties.
  - c. In the above situations, the drug test shall include a physical evaluation by a Workplace Impairment Recognition Expert (WIRE) to determine the officer's/trainee's state of impairment and a urinalysis.

## 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 are not required to complete a Drug Testing Medication Information form at this time.

**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), dietary supplements, and nutritional supplements 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, and write their unique identifier (Donor ID) on the envelope.

**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, and write their unique identifier (Donor ID) on the envelope.
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 donor identification (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
    - c. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
    - d. Specimens shall be collected utilizing split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has

not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).

- e. Collecting and submitting urine specimens in accordance with procedures established by the 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 completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
  - a. The specimen containers shall be kept closed/unsealed at this time.
  - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.

- a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. 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.
  - b. 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)
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
  - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
  - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.
  - a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
  - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
  - c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
13. Any remaining urine and the specimen collection container may be

discarded.

14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section V. Submission of Specimens to the Laboratory 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. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
  - a. The agency is notified by the 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. 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 second test laboratory by commercial courier also following accepted chain of custody procedures.

5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

## **V. SUBMISSION OF SPECIMENS TO THE LABORATORY**

- A. Laboratory to Conduct Analysis: The NJ State Medical Examiner 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. Time Constraints for Submitting Samples: Urine specimens should be submitted to the Laboratory within one (1) working day of their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the agency shall store the specimen in a controlled access refrigerated storage area until submission to the Laboratory.
- C. Specimens may be submitted to the Laboratory by commercial courier using “next day delivery” or in person. (appointments only)
- D. The 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.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the 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 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 final reports.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  1. Amphetamines;
  2. Barbiturates;

3. Benzodiazepine;
4. Cocaine;
5. Methadone;
6. Opiates;
7. Oxycodone/Oxymorphone;
8. Phencyclidine;
9. Marijuana/Cannabis (only to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g., pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion section.

C. Steroids

1. Random Testing - Agencies retain the option to incorporate the testing for steroids into their random drug testing program.
2. Reasonable Suspicion Drug Testing - The testing for the presence of steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.

D. The 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.

E. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the 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.

F. 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

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.

- G. In addition to the testing outlined above, specimens submitted to the Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The 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 substances.

## **VII. DRUG TEST RESULTS**

- A. The 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 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 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 or is found to have been consuming or being under the influence of cannabis or marijuana while at work/training or during work/training hours, 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 or is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours:
  - 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; are found to have been consuming or being under the influence of cannabis while at work/training or during work/training hours; or 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.
- D. A sworn law enforcement officer who tests positive for illegal drug use; is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours; 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.
- E. 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 the individual tested positive for, the circumstances of the officer being found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours, 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 the agency; and
  - 13. Whether the individual was an applicant, trainee or sworn law enforcement 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 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.