

# Harding Township Police Department POLICIES AND PROCEDURES



**SUBJECT: LAW ENFORCEMENT DRUG TESTING**

**EFFECTIVE DATE: February 21, 2023**

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**BY THE ORDER OF:**

**Lt. Michael R. Gromek #23 – Acting Chief**

**PURPOSE:** The procedures contained herein shall be in accordance with Morris County Prosecutor’s Office Directive (Volume 2, Chapter 31) and New Jersey Attorney General’s Law Enforcement Drug Testing Policy revised February 2023.

The purpose of this policy 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:** The following methods and procedures apply when a law enforcement officer who is authorized to carry a firearm pursuant to 2C:39-6 is ordered to submit to a drug test through urinalysis for the purpose of determining illegal use of drugs.

Urine samples shall be ordered from a law enforcement officer when there exist facts that provide a reasonable objective basis to suspect the officer is illegally using drugs. Urine samples shall not be ordered from an officer, on the basis of reasonable suspicion, without the approval of the county prosecutor or the chief executive officer of the agency or someone acting in that capacity during his absence.

Urine specimens shall be ordered from Special Law Enforcement Officers or sworn Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every Special Law Enforcement Officer and sworn Law Enforcement Officer of the Harding Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

## **PROCEDURE:**

### **I. APPLICABILITY**

- A. This policy applies to applicants for the position of police officer, law enforcement trainees subject to the Police Training Act while they attend a mandatory basic training course, Special Law Enforcement Officers and sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State.

### **II. APPLICANT**

- A. Applicants for Special Law Enforcement Officer and sworn Law Enforcement positions will be required to submit a urine specimen at a time prior to appointment.
- B. Notification of Drug Testing Procedures
  - 1. The Harding Township Police Department shall notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will result in:
    - a. The applicant being dropped from consideration for employment
    - b. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police
    - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.
    - d. An applicant's refusal to submit to a drug test shall result in the applicant no longer being considered for law enforcement employment in New Jersey for 2 years.

### **III. TRAINEE**

- A. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

- B. Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion 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 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. Notification of Drug Testing Procedures
  - 1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
    - a. The officer's termination from employment
    - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police
    - c. The officer permanently barred from future law enforcement employment in New Jersey
  - 2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

**IV. SWORN LAW ENFORCEMENT OFFICERS AND SPECIAL LAW ENFORCEMENT OFFICERS CLASS II (SLEO II)**

- A. Urine specimens shall be ordered from a SLEO II or sworn law enforcement officer when there exists reasonable suspicion 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. Urine specimens shall not be ordered from an officer, on the basis of reasonable suspicion, without the approval of the Morris County Prosecutor or the Chief of Police.
- B. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.
- D. Notification of Drug Testing Procedures - 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 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 Recognition Expert (WIRE) to determine the officer's/trainee's state of impairment and a urinalysis.
4. Before an officer may be ordered to submit to a drug test based upon reasonable suspicion, the Internal Affairs Officer shall prepare a written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the Morris County Prosecutor or the Chief of Police before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test based on a verbal report.
5. A negative result is a condition of employment as a SLEO II or sworn officer and a positive result will result in:
- a. The officer's termination from employment;
  - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police;
  - c. The officer being permanently barred from future law enforcement employment in New Jersey.

6. Officers who refuse to submit to a drug test based upon reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for illegal use of drugs. A SLEO II or 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.

C. Notification of Drug Testing Procedures - Random Drug Testing

1. Urine specimens shall be ordered from law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a selection in which each and every SLEO II and sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

D. Drug Testing Procedures - Random Drug Testing

1. A minimum of two officers shall be selected each time a random drug test is conducted.
  - a. This agency shall ensure that the number of random selections each time a testing is conducted shall be at least 10 percent of the total number of SLEO II and sworn officers employed by the Harding Township Police Department at that time, with a minimum of two each time.
2. Each and every SLEO II and sworn member's badge ID number of the Harding Township Police Department shall be entered into an Excel Spreadsheet for random selection.
3. Present during the selection will be the Chief of Police, a Lieutenant or Sergeant, and a Collective Bargaining Unit Executive Board member.
4. The number selected will be verified by the witnesses and documented using the selection verification form (Attachment I).
5. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline. Each member shall sign a disclosure form at each random selection drawing (Attachment H).
6. The drug testing monitor shall be responsible for the collection of the specimen in a prompt, efficient and confidential manner.
7. Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for illegal use of drugs. A SLEO II or 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.

## V. SPECIMEN ACQUISITION PROCEDURES

### A. Preliminary acquisition procedure

1. The Lieutenant or his/her designee shall serve as the drug testing monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested. If a female member is selected to provide a urine specimen, arrangements will be made to have a female employee of the police department or a female from another police department to substitute for the monitor during the specimen acquisition phase.
2. The monitor of the specimen acquisition process shall be responsible for:
  - a. Completing the Harding Township Police Department Drug Testing Monitor's Checklist (Attachment G) for each specimen acquired
  - b. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
  - c. 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.
  - d. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
  - e. 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).
  - f. Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.
3. 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;
  - a. Result in the applicant being dropped from consideration for employment;
  - b. Cause the applicant's name to be reported to the Central Drug

Registry maintained by the Division of State Police

- c. Preclude the applicant from being considered from future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire 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 law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
        - d. The Drug Testing Medication Information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.
4. Prior to the submission of a 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:
  - a. Result in the trainee being dismissed from the basic training;
  - b. Cause the trainee to be dismissed from employment as a law enforcement officer by the Harding Township Police Department;
  - c. Cause the trainee's name to be reported to the Central Drug Registry maintained by the Division of State Police
  - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
  - e. 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 medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), 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.
5. Prior to the submission of a urine specimen, SLEO II or sworn law enforcement officers 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 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. SLEO II or sworn law enforcement officers shall complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter

(non-prescription, supplements, etc.), 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.

B. Specimen collection:

1. Throughout the test process, the identity of individual applicants, trainees, SLEO II and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of the donor identification (Donor ID). At no time shall an individual's name appear on the form or specimen container sent to the Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the Laboratory.
3. Urine specimens will be acquired and processed in accordance with procedures established by the Laboratory.
  - a. The monitor shall inspect the appropriate forms for accuracy. The monitor shall use the checklist to ensure all procedural elements are followed (Attachment G).
  - b. The monitor shall inspect the area where the urine specimen will be produced.
  - c. The monitor shall flush the toilet prior to the individual entering to produce a specimen.
  - d. The monitor will direct an individual officer to remove outer clothing (jackets, sweaters, etc.) The individual shall empty all pockets prior to entering the lavatory facility to produce the specimen.
  - e. Only one individual at a time shall enter the area to produce a specimen.
  - f. The selected individual and the monitor shall wash their hands prior to a specimen being produced.
  - g. The monitor shall wear latex gloves during the acquisition process.
  - h. The applicant, trainee, SLEO II or sworn officer shall void into the specimen collection container provided by the monitor by the following means:
    - 1) The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).



- 2) The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
  - 9) The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
  - 10) 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.
  - 11) 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.
  - 12) Any remaining urine and the specimen collection container may be discarded.
  - 13) 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 VI. Submission of Specimens to the Laboratory below).
- 4. Individuals will void without the 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 test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. The monitor must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
  - 5. Individuals that are unable to produce a urine specimen or not enough of a specimen (Shy Bladder) as required, will remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under the supervision, the monitor may allow the individual to drink fluids in an attempt to induce the

production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was a result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

6. "Shy Bladder" Procedure

- a. When a donor is unable to produce or produces an inadequate amount of urine, the monitor must take the following steps:
  - 1) Advise the donor to remain on premises and under the supervision of the test monitor until the monitor is satisfied that the donor can absolutely not produce a specimen.
  - 2) While under supervision, the donor may 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.
  - 3) Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
  - 4) If the donor remains unable to provide a proper 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.

7. Split Specimen

- a. 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.
- b. 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.
- c. The split specimen will be released by the Laboratory under the following circumstances:
  - 1) The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;
  - 2) The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - 3) The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.

- d. A representative of the split 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.
- e. 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.

## **VI. SUBMISSION OF SPECIMEN TO THE LABORATORY**

- A. The NJ State Medical Examiner Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- B. Urine specimens should be submitted to the Laboratory within one working day of their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. Submission of the specimens to the Laboratory shall be accompanied by the drug testing monitor or his/her designee. All submissions to the laboratory shall be in accordance with the Attorney General guidelines, directives and directions as well as laboratory procedures.
- 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.

## **VII. 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 the 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, every Law Enforcement Executive 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. 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. 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 above, 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 specimens. 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 medication 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 unless a conditional

offer of employment has been made to the applicant. Therefore, if an applicant who has not received a conditional offer of employment 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.

- F. 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.

## **VIII. DRUG TEST RESULTS**

- A. The Laboratory will provide written test results for every specimen submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record.
- 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 donor 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.

## **IX. CONSEQUENCES OF A POSITIVE DRUG TEST RESULT**

- A. When an applicant tests positive for illegal drug use:
  - 1. An applicant shall be immediately removed from consideration for employment by the Harding Township Police Department;
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Harding Township Police Department; and
  - 3. The applicant shall be precluded from consideration from future law enforcement employment agency in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another agency as a SLEO II or 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 the Harding Township Police Department;
  - 2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Harding Township Police Department;
  - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
  - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
  
- C. When a SLEO II or 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 terminated from employment as a law enforcement officer, upon final disciplinary action by the Harding Township Police Department;
  - 3. The officer shall be reported to Central Drug Registry maintained by the Division of State Police by the Harding Township Police Department; and
  - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

## **X. CONSEQUENCES FOR 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 a period of two years. 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 in New Jersey. In addition, the Harding Township Police Department shall forward

the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- C. SLEO II or 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 Harding Township Police Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. 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.
- D. A SLEO II or 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 Harding Township Police to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

## **XI. RECORDKEEPING**

- A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. Each agency's drug testing records shall include but not be limited to :
  - 1. For all drug testing:
    - a. The identity of those ordered to submit urine sample;
    - b. The reason for that order;
    - c. The date the urine was collected;
    - d. The monitor of the collection process;
    - e. The chain of custody of the urine sample from the time it was collected until the time it was received by the Laboratory;
    - f. The results of the drug testing;
    - g. Copies of notifications to the subject;
    - h. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty; and
    - i. For any positive result or refusal, appropriate documentation of disciplinary action.



information:

- a. A description of the process used to randomly select officers for drug testing;
  - b. The date selection was made;
  - c. A copy of the document listing the identities of those selected for drug testing;
  - d. A list of those who were actually tested; and
  - e. The date(s) those officers were tested.
- C. 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.

## **XII. CENTRAL DRUG REGISTRY**

- A. Harding Township Police shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, Special Law Enforcement Officers Class II (SLEO II) and sworn law enforcement officers who test positive for the illegal 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 refuse an order to submit to a drug test (Attachment F).
- B. A SLEO II or 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.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  1. Name and address of the submitting agency, and contact person;
  2. Name of the individual who tested positive;
  3. Last known address of the individual;
  4. Date of birth;
  5. Social security number;
  6. SBI number (if known);
  7. Gender;
  8. Race;
  9. Eye color;
  10. 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.
- D. The certification section of the notification form must be completed by the Chief of Police, notarized with a raised seal. Notifications to the central registry shall be sent to:
- Division of State Police  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068
- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
  2. In response to a court order.

### **XIII. REPORTING**

- A. AG Directive 2018-2 mandates that every law enforcement agency located in Morris County shall submit written notice to the Morris County Prosecutor by December 31st of each calendar year. Each Chief Executive of a Law Enforcement Agency shall provide written notice to the Chief of Investigations for Morris County of the following:
1. The dates of testing conducted during the prior year;
  2. The total number of sworn officers employed by the Agency;
  3. The total number of sworn officers tested;
  4. The total number of sworn officers who tested positive.
- B. AG Directive 2018-2 mandates that notification to the county prosecutor be made in the event of:
1. A positive drug test;
  2. A refusal of an officer to take the drug test; or
  3. Administration of a reasonable suspicion drug test to an officer. Although AG Directive 2018-2 allows for notification within 10 days, the Morris County Prosecutor directs that such notification be made within 24 hours to the Professional Standards Unit of the MCPO.

### **XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. The Harding Township Police Department Drug Testing Policy shall be made  
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available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XIII, also 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.