


HIGHTSTOWN POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM			
VOLUME: 2	CHAPTER: 5	# OF PAGES: 12	
SUBJECT: DRUG TESTING POLICY			
BY THE ORDER OF: Chief Frank Gendron		ACCREDITATION STANDARDS:	
Effective Date: 02/01/2021	SUPERSEDES ORDER #: Policy 5-13 dated 02/19/21		

I. PURPOSE

While drug use among law enforcement officers in New Jersey is undoubtedly minimal, it cannot and will not be tolerated even to the slightest degree. This agency is committed to ensuring that its sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling the responsibilities of their position. Every officer is expected to obey the laws of this state and country, including those concerning the illegal use of drugs. Violations of these laws are intolerable. The purpose of this policy is to safeguard the agency, its members and the community from the unpredictable actions of law enforcement personnel who may engage in the illegal use of drugs. This policy further provides notice to its members that the agency takes a zero tolerance stance against illegal drug use by sworn law enforcement personnel within the Hightstown Police Department.

II. POLICY

This policy applies to all sworn members of the Hightstown Police Department, regardless of rank or assignment. It is the policy of this agency that sworn law enforcement personnel are subject to urine testing for illegal drug use when reasonable suspicion exists to believe that the officer is illegally using drugs, or when officers have been randomly selected to submit to a drug screen test.

It is the policy of this department that a negative test result is a continued condition of employment as a sworn employee. Any officer, who has a test that is positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful request, shall be terminated from this agency as detailed below. For purposes of this policy, a lawful request is recognized as a lawful order.

III. PROCEDURE

A. Reasonable Suspicion Testing

Urine specimens shall be requested from an officer whenever there exists reasonable suspicion to believe that an officer is illegally using drugs.

- 1) Upon a report from any source that an officer may be illegally using drugs, the internal affairs officer and the Chief of Police shall immediately be notified.
- 2) Upon the direction of the Chief of Police, the internal affairs supervisor will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
- 3) The internal affairs investigator shall document findings in a written report.
- 4) The written report shall be submitted to the Chief of Police for a determination if reasonable suspicion exists that the officer has engaged in illegal drug use.
- 5) If the Chief of Police or the county prosecutor determines that reasonable suspicion of illegal drug use exists, the officer shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below.
- 6) Under emergent circumstances, the Chief of Police may give verbal approval for the testing with reasonable suspicion. In such a case, a written report shall be made not more than 72 hours after the verbal authorization. The Chief of Police may seek advice of the Prosecutor.

B. Random testing

- 1) Random selection shall be defined as a method of selection by which each and every sworn member of the Hightstown Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
- 2) The Chief of Police shall determine the percentage of officers selected each time a random selection takes place.

3) The method of random selection shall be as follows:

- a. The Chief of Police shall assign the internal affairs supervisor to conduct the selection process. A manual method of drawing names randomly by lot shall be used unless a computer software program is obtained by the police department specifically to ensure random sampling.
- b. At least ten percent (10%) of this department's sworn employees will be selected each time a random selection takes place.
- c. Random selection shall occur not less than twice per calendar year.

4) The internal affairs supervisor will oversee the random drug testing selections.

- a. A representative of the affected collective bargaining unit shall be notified of an upcoming selection and be given an opportunity to be present as a witness to the selection process.
- b. The internal affairs supervisor shall document the date of the selection, the selection method used, and the persons present at the time of the selection and the results of the selection.

5) Any member of the Hightstown Police Department who discloses the identity of an officer selected for random testing prior to the test or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to severe disciplinary action.

C. Notification of Officers

- 1. When it has been determined that **reasonable suspicion** exists, the internal affairs supervisor, or appropriate designee, shall go to the subject officer at the officer's work assignment and order that officer to accompany the internal affairs supervisor, or designee, to a designated lavatory to collect the specimen.

2. Officers selected for **random drug screening** shall be contacted by the internal affairs supervisor at their work assignment and shall immediately report to the designated lavatory to submit a urine sample. *In the event that the officer is not on duty or is on a leave, the officer will be ordered to give a proper urine sample(s) immediately upon returning to work, regardless of the length or reason for the leave.*
3. The request to provide a urine sample for drug screening is a direct order from the Chief of Police. No officer has the right to refuse the order; nor has the right to have a union representative or attorney present at the time the specimen is collected; nor has the right to delay the order for any reason.

D. Specimen Acquisition Procedures

1. The internal affairs supervisor will be responsible for the overall supervision of collection of the urine specimens. The Internal Affairs supervisor shall supervise the processing, collection, and storage of urine specimens.
 - a. The Chief of Police shall designate a monitor (s) to oversee the specimen acquisition process.
 - b. The monitor shall always be of the same sex as the individual being tested.
 - c. The monitor of the specimen acquisition process shall be responsible for.
 - ✓ Ensuring that the individual submitting the specimen fully and accurately completes all documentation.
 - ✓ Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - ✓ Accompanying the officer into the designated lavatory and remaining there until the specimen is provided and the bottle is handed to the monitor.

· In the absence of circumstances that indicate an attempt to adulterate or otherwise compromise the integrity of the specimen, the monitor shall not directly observe the officer filling the specimen bottle. If there is reason to believe that the subject officer will adulterate or otherwise compromise the integrity of the test process, the Chief of Police may direct the monitor to directly observe the officer filling the specimen bottle. The information that forms the basis of the belief shall be provided in a written report not more than 72 hours after the Chief of Police authorizes direct observation.

· The monitor shall comply with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the state toxicology laboratory for analysis.

· Prior to the submission of a urine specimen, officers shall complete a medical questionnaire clearly describing all medications, both prescription and over-the-counter (nonprescription), that he or she had ingested in the past 30 days. (Attachment a.).

· Prior to the submission of a urine specimen, the subject officer shall read and acknowledge by signature the “Officer Notice and Acknowledgement” form regarding penalties for either a failed drug test or a failure to provide urine samples.

- d. Both samples shall be acquired according to the procedures outlined herein.
 - e. Both samples shall be forwarded to the state medical examiner laboratory for testing.
 - f. 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.
2. 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.

3. 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.
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 laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
5. 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.

E. Specimen Collection

1. Individual specimens shall be identified by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the state toxicology laboratory.
2. Specimens shall be collected utilizing equipment and supplies approved by the state toxicology laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the state toxicology laboratory.
3. During specimen collection the subject officer shall:
 - a) Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
 - b) The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
 - c) The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
 - d) 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.
 1. The specimen containers shall be kept closed/unsealed at this time.

2. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.

e) 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.

Specimen collection container minimum volume 45 mL NJ

f) The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.

The temperature of this specimen is ~94 deg F.

1. 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.

2. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D, “Shy Bladder” Procedure).

g) The monitor instructs the donor to split the collected specimen into the specimen containers.

1. 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.

**Bottle B (secondary container)
minimum volume 15 mL
Bottle A (primary container)
minimum volume 30 mL**

2. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.

h) The monitor instructs the donor to seal the specimen containers with tamper-evidence seals from the CSF.

1. 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).

2. 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).
3. 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.
 - i.) The monitor prints his/her name, signs, and dates the monitor/agency acknowledgement section of the CSF.
 - j) The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
 - k) 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.
 - l) 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.
 - m) Any remaining urine and the specimen collection container may be discarded.
 - n) 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 for Analysis below).

4. If the subject is unable to provide the sample when requested,

- He or she shall remain in the presence of the monitor until a sample can be provided.
- He or she shall be allowed to drink fluids.
- The subject shall continue to attempt to provide a sample up to two hours from the time of the initial attempt.
- If the subject is still unable to provide a sample, the Chief of Police shall be notified and shall determine whether the officer will remain in the presence of the monitor until further attempts to produce a sample are successful or whether the testing of the subject officer shall be discontinued.

If the Chief of Police determines to discontinue the testing, the subject officer shall be directed to obtain a medical evaluation to determine if the failure to provide a sample was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug screening process.

5. The monitor shall take possession of the sample.
6. The monitor shall inspect the bottle to make sure it has been properly sealed.
7. The monitor shall return the sample to the custody of the Internal Affairs supervisor or his designee at the testing processing desk.
8. The internal affairs supervisor or his designee shall place all samples in a secured (controlled access) and refrigerated storage area until it is delivered to the state toxicology laboratory.
9. Once the officer has relinquished the sample to the monitor and it has been accepted, the officer has fulfilled his or her obligation and shall not be ordered to resubmit a urine sample absent reasonable suspicion or another random selection.

F. Submission to the State Toxicology Laboratory

1. All urine samples for drug screening must be submitted to the state toxicology laboratory.
2. The specimens shall be stored in a controlled access refrigerator until such time as they can be delivered to the state toxicology laboratory.
3. Unless refrigerated, urine samples shall be delivered within one laboratory working day of acquisition. The samples will be hand- delivered by the Internal Affairs supervisor or other officer designated by the Chief of Police.
4. Any specimen showing evidence of tampering or damage will be rejected by the state toxicology laboratory.
5. The chain of custody from the collecting agency to the state laboratory will be fully documented.

G. Testing

1. The specimen shall be tested by the state toxicology laboratory for the presence of the following substances and their metabolites:
 - a. Amphetamine/methamphetamine.
 - b. Barbiturates.
 - c. Benzodiazepine.
 - d. Cannabinoids.
 - e. Cocaine.
 - f. Methadone.
 - g. Phencyclidine.
 - h. Opiates.
 - i. Steroids

H. Drug Testing Results

1. The state toxicology laboratory shall notify this agency of any positive test results in writing as soon as possible, but no longer than 20 working days from the date of the submission.
2. Under no circumstances shall this agency, or any individual from this agency, resubmit a specimen for testing, or ask that a particular specimen within the possession of the state toxicology laboratory be retested.
3. This agency shall notify the officer of the results of a positive test result as soon as practical after receipt of the report from the state toxicology laboratory. The subject officer shall be provided with a copy of the laboratory report.

I. Consequences of a Positive Test Result

1. Any officer who tests positive for illegal drug use shall be:
 - a. Immediately suspended from all duties without pay.
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the Hightstown Police Department.
 - c. Reported to central drug registry maintained by the Division of State Police.
 - d. Permanently barred from future law enforcement employment in New Jersey.

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

1. The Chief of Police shall make a determination whether an officer refused to submit to a drug test.
2. Any officer who refuses to submit to a requested drug test ordered in response to reasonable suspicion or random selection shall be:
 - a. Immediately suspended from all duties without pay.
 - b. Upon final disciplinary action, terminated from employment as a sworn member of the Hightstown Police Department.
 - c. Reported to central drug registry maintained by the Division of State Police.
 - d. Permanently barred from future law enforcement employment in New Jersey.

K. Record Keeping

1. The Internal Affairs officer shall maintain all records related to the drug screening of the sworn members of the Hightstown Police Department.
2. For reasonable suspicion drug screening, the records shall include at least:
 - a. The identity of anyone ordered to submit urine samples.
 - 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 state toxicology laboratory.
 - f. The results of the drug screening.
 - g. Copies of notifications to the subject.
 - h. The disciplinary process initiated (dismissal), as a result of a positive test.
3. For random drug screening, the records will include at least:
 - a. A description of the process used to randomly select officers for drug screening.
 - b. The date of that selection.
 - c. A copy of the document listing the identities of those selected for drug screening.

- d. A list of those who were actually tested.
- e. The date the urine was collected.
- f. The name of monitor (s) of the collection process.
- g. The chain of custody of the urine sample from the time it was collected until the time it was received by the state toxicology laboratory.
- h. The results of the drug screening.
- i. Copies of notifications to the subject.
- j. The disciplinary process initiated (dismissal), as a result of a positive test.
- k. The records of drug screening shall be maintained with the same level of confidentiality as all internal affairs files.

L. Central Drug Registry

1. The Chief of Police shall notify the Division of State Police, central drug registry, of the identity of any sworn law enforcement officers who test positive for the illegal use of drugs.
2. Notifications to the central drug registry shall include the following information as to each individual:
 - a. Name and address of the submitting agency.
 - b. Name of the individual who tested positive.
 - c. Last known address of the individual.
 - d. Date of birth.
 - e. Social security number.
 - f. SBI number (if applicable).
 - g. Substance the individual tested positive for.
 - h. Date of dismissal from the agency.
 - i. Whether the individual was an applicant, trainee or sworn law enforcement officer.
3. Notifications to the central registry shall be sent to:

Records and Identification Section
Division of State Police P.O. Box 7068 West Trenton, New Jersey
08628

M. Pre-Employment

1. Drug screening shall be conducted as part of the pre-employment process through the Medical Evaluation at Occupational Health.