

DRUG TESTING

Section	
Tab #	
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PURPOSE: To insure that the Cranbury Township Police Department maintains a drug free workplace.

POLICY: Officers will submit to drug testing as prescribed in the guidelines of the New Jersey State Attorney General's Office, the Middlesex County Prosecutor's Office, the code of Cranbury Township and the rules and regulations of the Cranbury Township Police Department.

PROCEDURE:

See the enclosed guidelines.

CRANBURY TOWNSHIP
LAW ENFORCEMENT OFFICER DRUG TESTING
POLICY AND PROCEDURE 10/21/2006

I. PURPOSE:

The purpose of this policy is to establish guidelines for the drug testing of Cranbury Township Police Department police personnel that are in compliance with the NJ Attorney General's Law Enforcement Drug Testing Policy.

II. POLICY:

It is the policy of the Cranbury Township Police Department to conduct drug testing of sworn law enforcement officers, law enforcement officer trainees, and applicants for law enforcement officer employment in order to maintain professional standards of performance and to help ensure the trust of the community in those who enforce the laws.

III. DEFINITIONS:

Law Enforcement Officer: Sworn law enforcement personnel who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under NJSA 2C:39-6.

Law Enforcement Officer Trainee: Personnel subject to the Police Training Act while attending a mandatory basic training course.

Applicants for Law Enforcement Officer Employment: Persons, who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under NJSA 2C:39-6.

Random Selection Process: Random selection shall be defined as a method of selection in which each and every 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.

IV. TYPES OF DRUG TESTING:

A. Applicants for Police Officer Employment

Applicants may be required to submit a urine specimen at any time prior to employment.

B. Law Enforcement Trainees

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.
2. 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. 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. Sworn Law Enforcement Officers

1. Urine specimens shall be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief of Police.
2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to drug testing.
3. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However,

the collection and analysis of these specimens are not governed by this policy.

V. NOTIFICATION OF DRUG TESTING PROCEDURES:

A. Applicants for Law Enforcement Officer Employment

1. Applicants must be notified that the pre-employment process will include drug testing. The notification must indicate that a negative result is a condition of employment and that a positive result will: (1) result in the applicant being dropped from consideration from Cranbury Township Police Department employment; (2) cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police; and (3) permanently bar the applicant from being considered for future law enforcement employment in the County of Middlesex and from future law enforcement employment elsewhere in the State of New Jersey 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's employing agency will be notified of the test results and the officer will be terminated from employment and be permanently barred from future law enforcement employment in New Jersey.

B. Law Enforcement Officer Trainees

1. All newly appointed law enforcement officer trainees 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: (1) the officer's termination from employment; (2) inclusion of the officer's name in the Central Drug Registry

maintained by the Division of State Police; and (3) the officer being 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.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. Individual Cranbury Township Police Department law enforcement officers will be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, a written report which documents the basis for the reasonable suspicion will be prepared. The report shall be reviewed by the County Prosecutor or the Chief of Police before a reasonable suspicion test is ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. A negative drug test result is a condition of employment as a sworn officer. A positive drug test result will result in: (1) the officer's termination from employment; (2) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and (3) the officer being permanently barred from future law enforcement employment in New Jersey.
4. Cranbury Township Police Department law enforcement officers, who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are

subject to the same penalties as those officers who test positive for the illegal use of drugs.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn members of the Cranbury Township Police Department are eligible for random drug testing, regardless of rank or assignment.
2. Ten percent (10%) of the sworn officers will be selected each time random selection takes place. Random selection will take place twice per year on a date chosen by a government official within or outside the police department. **(NOTE: random selection shall occur at a minimum of twice a year.)** There will be no prior notice given of the dates of the selection process or the collection of the samples.
3. Officers will be selected for drug testing through the use of random selection. A representative of the police bargaining unit and internal affairs officer will observe and participate in the selection process.
4. The selection process and the names of the officers selected will be documented in a written report prepared by the internal affairs officer. The report will be stored in the Internal Affairs File.
5. Officers selected for random drug testing will be notified while on duty by the Internal Affairs Officer and required to submit a urine specimen at that time. The specimen acquisition process will be kept confidential.
6. Any member of the Cranbury Township Police Department who discloses the identify 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 up to and including termination.

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 the illegal use of drugs.

VI. SPECIMEN ACQUISITION PROCEDURES:

A. Preliminary Acquisition Procedures

1. The Chief of Police shall designate a supervisor to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event that there is no supervisor of the same sex available from the Cranbury Township Police Department, a supervisor or command level officer from another law enforcement agency certified in "Specimen Acquisition" may be requested to serve as monitor of the process.
2. 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.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
3. Prior to the submission of a specimen, an applicant for Cranbury Township Police Department law enforcement officer employment shall execute a form consenting

to the collection and analysis of his/her urine for illegal drugs (Attachment A). This form shall also advise the applicant that a negative result is a condition of employment and the consequences of a positive result (as outlined in section V, paragraph A above). Applicants shall not complete a medical questionnaire (Attachment B) 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 Cranbury Township Police Department receives a report indicating that the specimen tested positive for a controlled substance.

4. Prior to submission of a urine specimen, a Cranbury Township Police Department law enforcement trainee enrolled in a basic training course shall execute a form (Attachment C) advising the trainee that a negative result is a condition of employment with Cranbury Township Police Department and of the consequences of a positive result (as outlined in Section V paragraph B above). 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 (Attachment B) which clearly describes all medications, both prescription and over the counter (non-prescription), that were ingested in the past thirty days.
5. Prior to the submission of a urine specimen, sworn Cranbury Township Police Department law enforcement officers shall complete a medical questionnaire (Attachment B), which clearly describes all medications, both prescription and over-the counter (non-

prescription), that were ingested in the past thirty days.

B. Specimen Collection

1. Throughout the testing process, the identity of individual Cranbury Township Police Department applicants, trainees, and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of personal identification numbers used in random selection process. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will 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.
 - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee, or sworn officer shall void into two (2) specimen collection containers.
 - b. After two (2) specimens have been produced, the individual shall seal the specimen containers and deliver them to the monitor.
 - c. Once the monitor is satisfied that the required documentation is accurate and he/she has inspected the specimen containers to determine that the specimen has been produced, the monitor shall take possession of one specimen, package the specimen in the same fashion as evidence, and ensure that it is delivered to the State Toxicology Laboratory for analysis.

- d. The second specimen will be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
- e. The Cranbury Township Police Department shall maintain possession of the specimen for a period of sixty days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
- f. The second specimen shall be released by the Cranbury Township Police Department under the following circumstances:
 - (1) The Cranbury Township Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
 - (2) The Cranbury Township Police Department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 - (3) The officer must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
 - (4) A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody

procedures within 60 days of the date the specimen was produced.

3. 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 facts underlying the belief that an individual may adulterate a specimen or compromise the integrity of the test process must be documented by the Cranbury Township Police Department.
4. Individuals who initially are unable to produce urine specimens may 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 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 the result of a physical infirmity or constituted a refusal to cooperate with the drug testing process.

VII. SUBMISSION OF SPECIMENS FOR ANALYSIS:

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of Cranbury Township Police Department law enforcement drug tests. The Cranbury Township Police Department is not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- B. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event that a specimen

cannot be submitted to the laboratory within one working day of its collection, the Cranbury Township Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.

1. Submission of specimens to the State Toxicology Laboratory may be accomplished by Cranbury Township Police Department personnel or commercial courier.
2. Should the Cranbury Township Police Department choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
 - a. All submissions must be by "next day delivery".
 - b. In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

VIII. DRUG TEST RESULTS:

- A. The State Toxicology Laboratory shall notify the Cranbury Township Police Department of any positive test results from the specimens submitted for analysis.
- B. The Cranbury Township Police Department shall notify the applicant, trainee, or sworn officer of the results of a positive test as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- C. Under no circumstances may the Cranbury Township Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be retested.

IX. 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 Cranbury Township Police Department.
 - 2. The applicant shall be reported by the Cranbury Township Police Department to the Central Drug Registry maintained by the Division of State Police.
 - 3. The applicant shall be permanently barred from consideration for future law enforcement employment in the County of Middlesex and from future law enforcement employment elsewhere in the State of 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 Cranbury Township Police Department shall notify the officer's current employer of the positive test results. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his/her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by the Cranbury Township Police Department.
 - 2. The trainee shall be terminated from employment as a law enforcement officer upon final disciplinary action by the Cranbury 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 sworn law enforcement officer tests positive for illegal drug use:

1. The officer shall be immediately suspended with pay from all law enforcement duties by the Cranbury Township Police Department pending a disciplinary hearing. In cases involving testing of the second specimen, the disciplinary hearing will not be held until the results of the second specimen test are received by the department.
2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Cranbury Township Police Department.
3. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police by the Cranbury Township Police Department and
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

X. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST:

- A. Applicants for Cranbury Township Police Department law enforcement officer employment who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement officer employment and permanently barred from consideration for future law enforcement officer employment in the County of Middlesex and from future law enforcement employment elsewhere in the State of New Jersey for a period of two years. In addition, the Cranbury Township Police Department shall forward the applicant's name to

the Central Drug Registry and note that the individual refused to submit to a drug test.

- B. Cranbury Township Police Department law enforcement officer 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 Cranbury Township Police Department law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Cranbury 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. Cranbury Township Police Department 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, Cranbury 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.

XI. RECORD KEEPING:

- A. The Cranbury Township Police Department Internal Affairs Officer shall maintain all records relating to the drug testing of Cranbury Township Police Department applicants, trainees, and law enforcement officers.
- B. Cranbury Township Police Department drug testing records shall include, but not be limited to:
 - 1. For all drug testing:
 - a. the identity of those ordered to submit urine samples

- b. the reason for that order
 - c. the date the urine was collected
 - d. the name of 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 testing
 - g. Copies of notifications to the subject
 - h. For any positive result or refusal, appropriate documentation of disciplinary action
2. For random drug testing, the records will also include the following information:
- a. a description of the process used to randomly select officers for drug testing
 - b. the date selection was made
 - c. document listing the identities of those selected for drug testing
 - d. a list of those who were actually tested
 - 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 New Jersey Internal Affairs Policy and Procedures.

XII. CENTRAL DRUG REGISTRY:

- A. The Cranbury Township Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identify of the officer applicants, trainees and sworn law enforcement officers who test positive for the

illegal use of drugs or refuse an order to submit a urine sample.

B. Notifications to the Central Drug Registry shall include the following information regarding each individual:

1. name and address of the submitting agency
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 applicable)
7. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample
8. Date of dismissal from the agency, and
9. Whether the individual was an applicant, trainee, or sworn law enforcement officer

C. Notifications to the central registry shall be sent to:

Records & Identification Section
Division of State Police
P. O. Box 7068
W. Trenton, NJ 08628