Neptune City Police Department	DATE:	NUMBER:
	January 17, 2019	GO 02-2019
	SUBJECT:	
	Drug Testing of Law Enforcement Personnel	

GENERAL ORDER

REFERENCE:	RESCINDS:	DISTRIBUTION:
	GO 02-2018	FULL

I. PURPOSE:

The purpose of this guideline is to establish a uniform policy and respective procedures for the implementation of mandatory drug testing, either in the case of reasonable suspicion, or random selection, for applicants for a position as a Law Enforcement Officer within the Neptune City Police Department, Law Enforcement Trainees, or those that have been hired by the Borough of Neptune City and the Neptune City Police Department who are currently enrolled in an approved New Jersey Police Academy, and all sworn members of the Neptune City Police Department. The Neptune City Police Department has a legal responsibility and management obligation to ensure a drug free and safe work environment; as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. This policy also seeks to ensure that the employment rights of individual Law Enforcement officers are safeguarded consistent with existing principles.

A requirement for employment must be an employee who is free from drug dependence, illegal drug use or drug abuse. Also, liability could be found against the Neptune City Police Department and the employee if the Neptune City Police Department fails to address and ensure that employees can perform these duties without endangering themselves, other officers, or the public. Finally, there is sufficient evidence to conclude that use of illegal drugs, drug dependence, and drug abuse seriously impairs an employee's performance and general physical and mental health, places fellow employees at risk, and causes the public to lose confidence in the police to properly perform their duties.

II. POLICY:

It is the policy of the Neptune City Police Department to ensure that its members are free from illegal drug use. The critical mission of law enforcement justifies the maintenance of a drug-free work environment through the use of a drug-testing program. It is the goal of this policy to prevent the hiring of those engaged in illegal drug use, deter illegal drug use by law enforcement officers, and to identify and remove those officers engaged in the illegal use of drugs.

The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally capable of doing so. There is sufficient evidence to conclude that the illegal use of controlled dangerous substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and consequently their ability to protect and serve.

III. DEFINITIONS:

A. APPLICANT: A person who applies for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of criminal laws of this state and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.

B. CENTRAL DRUG REGISTRY: This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees, and/or sworn officers who test positive for any of the substances delineated in this Directive, or the corresponding AG Directive, are to be reported and recorded.

C. RANDOM SELECTION: Random selection shall be defined as a 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/INJURED 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 purpose of this directive, "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.)

D. SWORN OFFICER: A person who is responsible for the enforcement of the criminal laws of this State, come under jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

E. TRAINEE: A person who is employed by the Neptune City Police Department and is subject to the Police Training Act while they attend a mandatory Basic Training course (Police Academy)

IV. PROCEDURE:

A. Types of Drug Testing

1. Applicants for a position in the Neptune City Police Department.

   a. Applicants shall be required to submit a urine sample - at any time prior to appointment.

2. Law Enforcement Trainees:

   a. Trainees will be required to submit to 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 the Rules and Regulations established by the Police Training Commission.

   b. Individual trainees shall 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, Chief of Police or the Academy Chief.

3. Sworn Law Enforcement Officers and Special Law Enforcement Officers – Class II and III

   a. Urine specimens shall be ordered from a sworn Law Enforcement Officer or Class II or III Special Law Enforcement Officers when there exists reasonable suspicion to believe that the officer or employee is illegally using drugs. Urine specimens shall not be ordered without the approval of the County Prosecutor or Chief of Police.

   b. Urine specimens may be ordered from sworn Law Enforcement Officers or Class II or III Special Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection is defined as a method of selection in which each and every member of the Department, regardless of rank or assignment, has an equal chance to be selected each and every time a selection is conducted.

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.

B. Notification of Drug Testing Procedures

1. Applicants:

   Applicants applying for a position with Neptune City Police Department shall be notified that the pre-employment process will include drug testing. The notification shall indicate that a negative result is a condition of employment and that a positive result will result in the applicant being dropped from consideration for employment.

   Applicants for Police Officer shall be notified that a negative result is a condition of employment and that a positive will: (a) result in the applicant being dropped from consideration for employment (b) cause the applicants name to be reported to the Central Drug Registry maintained by the Division of State Police and (c) preclude the applicant from being considered for future Law Enforcement employment for a period of two (2) years. In addition the notification will indicate that if the applicant is currently employed as a Law Enforcement Officer and the officer tests positive, the officer's employing agency will be notified of the results and the officer will be terminated from employment and permanently barred from future Law Enforcement employment in New Jersey.

2. Trainees:

   a. Drug testing of trainees will be governed by the Police Academy the trainee is attending.

   b. Positive results on the drug test will result in: the trainee's termination from employment;

      1. Inclusion of the name in the Central Drug Registry maintained by the Division of State Police;
      2. The trainee being permanently barred from future Law Enforcement in New Jersey.
      3. Sworn Law Enforcement Officers/ Class II or III Special Law Enforcement Officer's: Reasonable Suspicion Testing
      4. Individual Police officers and Class II or III Special Law Enforcement officers are required to submit to a drug test when there is reasonable suspicion to believe that the officer/employee is illegally using drugs.
      5. Before an officer or employee is ordered to submit to a drug test, a written report shall be prepared which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor and or Chief of Police before a reasonable suspicion test may be ordered.
      6. A negative test result is a condition of employment and a positive result will result in termination from employment. A positive result for a sworn officer will result in:
      7. Termination of employment

8. Inclusion of the officer's name in the Central Drug Registry by the Division of State Police
9. Permanently barred from future Law Enforcement employment in New Jersey.
10. Any officer or employee who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs.
11. Sworn Law Enforcement Officers/Class II or III Special Law Enforcement Officers, regardless of rank or assignment, are eligible for random drug testing.
12. Random drug testing shall be conducted no more than five times each year. The dates of the selections shall be determined by the Chief of Police. Each selection shall result in testing of Two (2) Officers.
13. Prior to the first test collected each officer will be assigned a predetermined number.
14. The Neptune City Police Department shall use a computer program which randomly selects one of the predetermined numbers from its database.
15. All employees will have an equal chance to be selected for testing each and every time a selection takes place.
16. Members of the Employees Collective Bargaining Unit shall be permitted to witness the selection process.
17. Any member 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 disciplinary action.
18. Officers selected who are on Sick leave, Vacation, or other authorized leave will appear as soon as they return from approved leave.
19. Any officer, who refuses to submit to a drug test when randomly selected, is subject to the same penalties as those who test positive for illegal use of drugs.
    An 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. Specimen Acquisition Procedures:

1. Preliminary Requisition Procedures:

    a. The Internal Affairs Commander (Captain / Lieutenant) shall serve as monitor of the specimen acquisition process. In the event the Internal Affairs Commander is selected for testing the Chief of Police shall serve as monitor. When the Chief of Police is selected the Lieutenant shall serve as monitor. The Chief of Police may designate another officer to monitor applicant specimen collection.

    b. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from this department to monitor the specimen collection, a sworn officer of the same sex will be requested from another law enforcement agency to serve as monitor of the process.

2. The monitor shall be responsible for:

    1. Ensuring all documentation is fully and accurately completed by the individual submitting the specimen.
    2. The specimen shall be collected in the Department facilities. Only the monitor and the individual submitting the specimen shall be present.
    3. Chain of Custody procedures shall be followed. Only those directly responsible for collection and submission shall have contact with the submitted specimen.
    4. Ensure the confidentiality of those being tested.
    5. 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. (Appendix A) Applicants shall not complete a medical questionnaire (Appendix B) 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 their specimen tests positive.
    6. Prior to the submission of a specimen, an applicant for a civilian position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Appendix A).

7. Prior to specimen submission, all current employees shall complete a medical questionnaire which clearly describes all medications both prescription and over-the-counter which were ingested in the past fourteen (14) days. The subject employee shall immediately seal the form inside an envelope with the subject's social security number on it. The sealed envelope will then be taken to the laboratory with the corresponding specimen(s) for testing. No subject shall make any false or misleading statements on the Medical Information Report Form. All prescription drugs listed on the form are subject to verification. **(This will be the only opportunity for the subject to disclose the medication he/she had taken. Subjects who yield positive test results will not be given another chance to list any medication they have taken).**
8. Trainees shall be governed by the Rules and Regulation of the Police Academy they are attending.

D. Specimen Acquisition Procedures:

1. Throughout the test process, the identity of individuals who have submitted specimens shall remain confidential. Individual specimens shall be identified throughout the process 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 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.
3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
4. Prior to collection, the individual selected shall remove all outer clothing and items from their pockets.
5. The individual will complete required forms and then wash their hands under running water. The monitor will provide the individual with two sealed specimen containers. The individual's social security number will be written on the supplied label in #2 pencil and placed into the specimen container.
6. The individual will then provide a urine sample inside both specimen containers.
7. Individuals will provide the samples 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. Reasons for direct observation must be documented.

8. After both specimens have been produced, the individual shall seal the specimen containers and deliver it to the monitor. The monitor will check to see if the specimen provided are between 45ml and 60ml in each container. They will also check that the temperature indicator reads between 90 and 100 degrees Fahrenheit.
9. Once the monitor is satisfied that the required documentation is accurate and the specimen containers have been checked for content, the monitor shall take possession of both specimens.
10. The monitor shall complete The State of New Jersey State Toxicology Laboratory Specimen Submission Record. The form and both specimens will be taken to the State of New Jersey Toxicology Laboratory.
11. Individuals that initially are unable to produce a urine specimen shall remain under the supervision of the monitor until the monitor is satisfied that the individual cannot produce a sample. 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 produce a specimen after a reasonable amount of time the monitor shall have the individual examined by a Physician contracted by, or approved through the Borough of Neptune City, to determine whether the inability to produce a specimen was the result of a medical condition or constituted as a refusal to cooperate with the drug testing process.

D. Submission of Specimens for Analysis

1. The New Jersey State 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.

2. Urine specimens should be submitted to the State Toxicology 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 Department shall store the specimen in a controlled access refrigerated storage area until submission to the laboratory. Submissions of the specimens to the laboratory shall be accomplished by personnel designated by the Chief of Police.

E. Analysis of Specimens

1. The State Toxicology Laboratory shall utilize test procedures as determined by their Standard Operating Procedures.
2. Following their test procedures, positive test results are reviewed by a Medical Review Officer. Results of the test are compared to the medical questionnaire submitted with the specimen to determine if any substance listed on the questionnaire would explain the test result. The Medical Review Officer may direct the Department to obtain additional information from the individual being tested in the event the questionnaire does not explain the test result indicating that the specimen tested positive.
3. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
   a. Amphetamine/Meth Amphetamine Barbiturates
   b. Benzodiazepine
   c. Cannabinoids
   d. Cocaine
   e. Methadone
   f. Phencyclidine
   g. Opiates
4. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test, specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.
5. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids.

F. Drug Test Results:

1. The State Toxicology Laboratory shall notify the Department of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within fifteen (15) working days of the submission. The State Toxicology Laboratory will, upon request, provide the submitting agency with written documentation that one or more specimens submitted tested negative.

2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the Medical Review Officer has reviewed the results of that test.
3. The Department shall notify the individual of the results of a positive test result as soon as possible after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
4. Under no circumstances may a specimen be resubmitted for testing.
5. The individual who tested positive may request that the second sample provided be tested. They individual will request that the second sample go to one of the pre-approved labs for testing.
6. Consequences of a Positive Test Result
7. When an applicant tests positive for illegal drug use:
8. The applicant shall be immediately removed from consideration for employment.
9. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police.
10. The applicant shall be precluded from consideration for future Law Enforcement employment in New Jersey for a period of two (2) years.
11. When 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 and submit their name to the Central Drug Registry maintained by the State Police.
12. When a trainee tests positive for illegal drug use:
13. The trainee shall be immediately dismissed from Basic Training and suspended from employment.
14. The trainee shall be terminated from the Department upon final disciplinary action.
15. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
16. The trainee shall be permanently barred from Law Enforcement employment in New Jersey.
17. When a Sworn Officer / Class II or III Special Officer tests positive for illegal drug use:
18. The Officer / Class II or III Special Officer shall be immediately suspended from all duties.
19. The Officer / Class II or III Special Officer shall be terminated upon final disciplinary action.

20. The Officer shall be reported to the Central Drug Registry maintained by the Division of State Police.
21. The Officer shall be permanently barred from future Law Enforcement employment in New Jersey.

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

1. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for employment. Those applying for a Police Officer position shall be reported to the Central Drug Registry and barred from future employment consideration for a period of two (2) years.
2. Trainees who refuse to submit to a drug test shall be immediately removed from the academy and, immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit to a drug test, the trainee shall be terminated and permanently barred from Law Enforcement employment in New Jersey, The trainee's name shall be submitted to the Central Drug Registry.
3. Sworn officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated and permanently barred from Law Enforcement employment in New Jersey. The officer's name shall be forwarded to the Central Drug Registry.

H. Record Keeping

1. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees, employees, and Police Officers.
2. Each drug testing record shall include but not be limited to:

I. For all Drug Testing:

1. The identity of those ordered to submit urine samples.
2. The reason for that order.
3. The date urine was collected.
4. The monitor of the collection process.
5. 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.
6. The results of the drug testing.

7. Copies of notifications to the subject.
8. For any positive result or refusal, appropriate documentation of disciplinary action.
9. 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.
10. For any positive result or refusal, appropriate documentation of disciplinary action.
11. For random testing, the record will also include the following Information:
12. A description of the process used to randomly select officers for drug testing
13. The date selection was made.
14. A copy of the document listing the identities of those selected for drug testing.
15. A list of those actually tested.
16. The date(s) those officers were tested.
17. All 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.

J. Central Drug Registry:

1. The Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, and sworn officers who test positive for the illegal use of drugs or refuse to submit a urine sample.
2. Notifications shall include the following:
3. Name and address of submitting agency
4. Name of individual who tested positive or refused test
5. Last known address
6. Date of Birth
7. Social Security Number
8. SBI Number
9. Gender
10. Race
11. Eye Color
12. Substance tested positive for or circumstances of the refusal to submit a urine sample
13. Date of the drug test or refusal;
14. Date of dismissal or separation the from agency

15. Whether individual was an applicant, trainee, or sworn officer.

K. Notifications shall be forwarded to:

Division of State Police
State Bureau of Identification Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068

L. Information contained in the Registry may only be released under the following circumstances:

1. In response to an inquiry from a Law Enforcement agency as part of a background investigation process for prospective or newly appointed personnel
2. In response to a Court order.

M. Accidental or inadvertent exposure

1. Any officer or who believes 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 must immediately notify their supervisor. A report detailing the facts and circumstances of the exposure shall be forwarded to the Chief of Public Safety, or designee. If the exposure occurs off duty, notification must be made as soon as practical.
2. The Internal Affairs Unit may investigate the circumstances of the accidental/ inadvertent exposure.

Attorney General's Law enforcement Drug Testing Policy

DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGMENT

I,_____, understand that as part of the pre-employment process, the

NEPTUNE CITY POLICE DEPARTMENT will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment.

I understand that if I refuse to undergo the testing, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

_____	_____	_____	_____
Signature of Applicant	Date	Signature of Witness	Date

ATTACHMENT B

Neptune City Police Department

Attorney General's Law Enforcement Drug Testing Policy

DRUG TESTING MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last Fourteen (14) days. Please ***carefully*** complete the information below.

all that apply:

A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			
4			
5			

B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-prescription Medications		Date Last Taken
1			
2			
3			
4			
5			
6			

C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

_____ _____

Social Security Number Date

_____ _____

Signature of Witness Date

This policy is developed by the Neptune City Police Department for internal use only, and does not enlarge an officer's civil or criminal liability in any way. This policy should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

All employees will sign acknowledgement in the Plan It scheduling software, acknowledging, receipt, review and understanding of GO 02 -2019.

By order of the Chief of Police

Matthew J. Quagliato
Neptune City Police Department

MJQ: syh
CC:
Borough Administrator Henry Underhill