

MORRIS TOWNSHIP POLICE DEPARTMENT

STANDARD OPERATION PROCEDURE

95

LAW ENFORCEMENT DRUG SCREENING



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95.1

GENERAL GUIDELINES CONCERNING DRUG/ALCOHOL USE

95.1.1

POLICY STATEMENT: This policy is enacted in order to maintain a drug-free law enforcement environment and, at the same time, safeguard the rights of individual police officers and civilian employees. It must be ensured that the citizens of Morris Township are provided police protection by a department whose integrity and competence are beyond question. It must also be ensured that the safety of our law enforcement officers is not undermined by illicit drug use within the department. 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 within this agency.

Employees shall not report for duty, or perform any departmental service, while under the influence of alcohol, or controlled dangerous substances, narcotics or hallucinogens, or prescription drugs, medications (including over the counter type medications), look alike

drugs, or other substances that may in any way affect (or could reasonably be presumed to affect) their alertness, coordination, reaction, response or safety.

I. Knowledge of Prescriptions/Medications: Officers and employees are required to learn from their physician the nature and effects of any drugs or medications prescribed for them.

95.1.2

POSSESSION OF ALCOHOLIC BEVERAGES AND "CDS" ON POLICE INSTALLATIONS - GENERAL REQUIREMENTS: Members and employees shall not store or bring into any police facility or vehicle, alcoholic beverages, controlled dangerous substances, narcotics, or hallucinogens, etc., except for those which are to be held as evidence in an official police investigation.

95.1.3

POSSESSION OF PRESCRIPTION DRUGS/MEDICATIONS: Possession or use of prescription drugs and over the counter medications is permitted while on duty, provided the drugs/medications are stored in their original containers, and in the case of prescription drugs, are prescribed by an authorized medical/dental practitioner. Any medications taken on or before duty must not be capable of interfering with an officers performance as outlined in section 95.01.01.

I. Notification of Medications: When any of the above are prescribed, or in the case of over the counter medication, are taken by a member, all employees are required to notify their supervisory officer prior to going on duty. In the case of prescription drugs, a letter of notification to the Chief of Police shall be submitted by the employee through his immediate supervisor prior to going on duty.

II. Departmental Review: The department reserves the right to have its designated physician determine if a prescription drug or over the counter medication may be capable of producing hazardous effects. The department may restrict or prohibit the employee's work activity or change his/her job assignment accordingly.

95.1.4

IDENTIFICATION AND REPORTING OF SUSPECTED SUBSTANCE ABUSE: All members and employees should be concerned about the job behavior and work performance of all employees, especially when normal work patterns and/or behavior of the employee changes to the extent that may indicate improper use of alcohol or drugs. When a member has reasonable suspicion to believe that an employee's

deteriorating/abnormal performance problems are possibly related to drug or alcohol use, he/she should immediately discuss the employee's job performance with his/her supervisor, or other member of higher authority in the event the affected member is a supervisory employee.

I. Notification of Chief of Police: Any supervisory officer learning of, or discovering on their own, possible drug usage by any member, must immediately notify the office of the Chief. In addition to this, all such behavior affecting a members performance is to be fully documented, to include the symptoms manifested, the associated behavior and the effects on the employee's overall performance. The Office of the Chief will determine the course of action to be taken regarding the investigation into the employee's suspected use of drugs.

II. Employee Responsibility: Individual employees who feel that they may be addicted to, or are having a problem brought on or contributed to by drugs or alcohol, are required (and encouraged) to contact their immediate supervisor or other supervisor officer to request assistance for rehabilitation. Counseling and referral services are available to employees regarding drug and alcohol abuse, as outlined in S.O.P. 22:2.12 - Employee Assistance Programs.

91.1.5

CONFIDENTIALITY: Any member, after completing the required notifications to supervisory personnel, shall insure strict confidentiality of all information, especially when it pertains to an Internal Affairs Investigations or referral to Employee Assistance Programs. Access to all information is strictly limited to those who have a legitimate need to know. External communications shall be based upon a case by case basis, and may include referrals to counselors, medical professionals and other law enforcement personnel.

95.2

CONSUMPTION OF ALCOHOL

95.2.1

CONSUMPTION OF ALCOHOL ON DUTY OR IN UNIFORM: Members and employees shall not consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders from a superior officer.

I. Members and employees on duty in plain clothes and at a social or business function, may consume a limited amount of intoxicating beverages with the approval of their commanding officer.

II. Members and employees shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever.

III. Officers and employees shall refrain from drinking intoxicating beverages for a reasonable period of time before going on duty.

IV. Intoxicating beverages may not be consumed at police headquarters or in any police vehicle.

95.2.2

CONSUMPTION OF ALCOHOL OFF DUTY: Members and employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the department or renders the officer or employee unfit to report for their next regular tour of duty.

95.3

DISCIPLINARY ACTION:

95.3.1

VIOLATIONS OF POLICY: Any member found in violation of this policy is subject to disciplinary action in accordance with departmental Rule and Regulations and Standard Operating Procedures. Additional information concerning employee rights, investigatory procedures and disciplinary action can be found further in this standard operating procedure as well as SOP 52: Internal Affairs Investigations and the Rules and Regulations.

95.4.

EMPLOYEE DRUG SCREENING:

95.4.1

THIS POLICY APPLIES TO:

A. Applicants for a position as a law enforcement officer 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 N.J.S.A. 2C:39-6;

B. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and

C. Sworn law enforcement officers 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 N.J.S.A. 2C:39-6.

D. This policy does not apply to civilian employees of a law enforcement agency.

95.4.1

TYPES OF DRUG TESTING

A. Applicants for a position as a law enforcement officer.

1. Applicants will be required to submit a urine specimen any time prior to appointment.

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 Morris County Prosecutor, the Chief of Police of the Morris Township Police Department, 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 Morris County Prosecutor or the Chief of Police of the Morris Township Police Department.

2. Urine specimens shall be ordered from 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 sworn member of the Morris 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.

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.

95.4.2.

NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

1. Agencies that choose to test applicants for law enforcement positions must 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: 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; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. 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 permanently barred from future law enforcement employment in New Jersey.

B. Trainees

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) upon final disciplinary action, the officer's termination from employment; and b) inclusion of the officer's name in the central drug registry

maintained by the Division of State Police; and c) 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.

3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn law enforcement officers: reasonable suspicion testing

1. In accordance with this written directive, individual law enforcement officers will be ordered to submit to a drug test when there is a 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, the Morris Township Police Department shall prepare a confidential 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 of the police department before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

3. In accordance with this written directive, a negative result is a condition of employment as a sworn officer and that a positive result will result in: a) upon final disciplinary action, 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; and c) the officer being permanently barred from future law enforcement employment in New Jersey.

4. In accordance with this written directive, 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. 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. Sworn law enforcement officers: Random drug testing

1. Sworn law enforcement and probationary officers will be subject to random drug testing.

2. The random drug testing program, shall follow, but not be limited to, the following rules:

a. All probationary and sworn officers of the Department are eligible for random drug testing, regardless of rank and assignment;

b. In accordance with A.G. Directive 2018-2, the Morris Township Police Department will conduct random drug screens of its officers in the following manner:

1) Twice a year, a minimum of 10% of the total number of sworn officers will be selected for testing. Morris Township Police Department has determined that 5 officers will be randomly selected each test, twice a year.

c. The selection shall be conducted by the internal affairs officer or alternatively, by the Chief of Police's designee each time a random selection takes place;

d. Random selection will take place, without prior notice of the dates of the selection process or collection of the samples, a minimum of twice a year on dates chosen by the Chief of Police or his designee;

e. A method of random selection has been established, which ensures that every probationary or sworn officer in the Department has an equal chance to be selected for a testing each and every time a selection takes place, regardless of rank, and regardless of the fact that one or more officers were randomly selected for testing at a prior selection process during the same calendar year;

f. The selection process will be verified and documented in writing by the Chief of Police or internal affairs officer, and the report will be maintained in the Departments' confidential files;

g. A representative of the collective bargaining unit(s) is permitted to witness the selection process;

h. Should a randomly selected officer be unavailable on the date selected, the following shall apply:

- 1) Officers will be notified while on duty by the Chief of Police or his designee and required to submit a urine specimen at that time, during a confidential specimen acquisition process;
- 2) An officer shall be tested on the earliest time available after he or she returns to work;
- 3) The Chief of Police or his designee has discretion to excuse a selected officer on a case-by-case basis if the officer is absent due to vacation, military or extended injury leave;
- 4) Any pending selection list shall expire at such time as the next random test is administered, notwithstanding that personnel from the previous list have not been tested due to unavailability or excuse.

i. Any member of the Department 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 Department officially announcing same or prior to the collection of urine specimens is subject to discipline.

j. A system to collect urine specimens from selected officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.

k. Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen shall be deemed to have refused to submit to the drug test.

l. The knowing tampering with or alteration of a urine sample by adulteration or dilution will be treated in the same manner as if the officer tested positive for the illegal use of drugs. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an

improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

95.4.3

SPECIMEN ACQUISITION PROCEDURES

A. Preliminary acquisition procedures

1. The Chief of Police or his designee shall 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 there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency 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 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; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire (Attachment D) 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 Morris Township Police Department receives a report indicating that the specimen tested positive for a controlled substance.

4. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will: a) result in the trainee being dismissed from basic training; b) cause the trainee to be dismissed from employment as a law enforcement officer by his or her appointing authority; c) cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and d) cause the trainee to be permanently barred from future law enforcement employment in New Jersey. 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 D) which clearly describes all medications, both prescription and over-the-counter (nonprescription), that were ingested in the past 14 days.

5. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire (Attachment D) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.

A. Specimen collection

1. Throughout the test process, the identity of individual applicants, trainees and sworn law enforcement officers 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.

a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container. In order to insure the accuracy and integrity of the collection process the monitor may:

(1) Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters, etc.) empty their pockets and wash their hands under running water, before they produce a specimen.

(2) Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to the specimen collection.

b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.

c. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology laboratory for analysis.

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. Law enforcement agencies 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 initially are unable to produce an adequate urine specimen 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. Under no circumstances should multiple voids be combined to produce an adequate 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 medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

6. Applicants, trainees and sworn law enforcement officers shall have provide the monitor with a second urine specimen at the same time the first specimen is collected.

a. The second specimen shall 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.

b. The State Toxicology Laboratory shall maintain possession of the second specimen for a period of 60 days following the receipt of a positive drug test result or until the department receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.

c. The second specimen shall be released by the New Jersey State Toxicology Lab under the following circumstances:

1) The Morris Township Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and

2) The Morris 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.

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.

95.4.5

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 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 State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Morris 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 personnel from the Morris Township Police Department or commercial courier.

2. Should the Morris 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.

c. The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.

95.4.6

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 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 State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:

1. amphetamine/methamphetamine;
2. barbiturates;
3. benzodiazepine;
4. cannabinoids;
5. cocaine;
6. methadone;
7. phencyclidine; and
8. opiates.

C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.

1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.

2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.

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 specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency

that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the applicant 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 State Toxicology Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

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

95.4.6

DRUG TEST RESULTS

A. The State Toxicology Laboratory shall notify the Morris Township Police Department of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the Morris Township Police Department within 15 working days of the submission.

B. 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 with the medical questionnaire pertinent to that specimen.

C. The Morris Township Police Department shall notify the applicant, trainee or sworn officer of the results of a positive test result 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.

D. Under no circumstances may the Morris Township Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

95.4.7

CONSEQUENCES OF A POSITIVE TEST RESULT

A. When an applicant tests positive for illegal drug use:

1. The applicant shall be immediately removed from consideration for employment by the department;
2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; and
3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority;
2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority;
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 from all duties;
2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action;
3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

95.4.8

CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred

from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

95.4.9

RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

95.4.10

RECORD KEEPING

A. The Morris Township Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

B. The Morris Township Police Department'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 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 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;

i. 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. 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.

95.4.11

CENTRAL DRUG REGISTRY

A. The Morris Township Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment F.

B. 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, or circumstances of the refusal to submit a urine sample;
11. date of the drug test or refusal;
12. date of final dismissal or separation from the agency; and
13. whether the individual was an applicant, trainee or sworn law enforcement officer.

C. The certification section of the notification form must be completed by the chief or director, and notarized with a raised seal.

D. 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.

2. In response to a court order.

95.4.12

NOTIFICATION TO COUNTY PROSECUTOR

A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the Morris County Prosecutor's Office Professional Standards Unit within 24 hours. Upon completion of any disciplinary action, the Morris Township Police Department shall report the discipline to the County Prosecutor or designee.

B. By December 31st of each year, the Morris Township Police Department shall provide written notice to the County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

95.4.13

PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

A. The Morris Township Police Department Drug Testing Policy shall be made 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.



Morris Township Police Department



ATTACHMENT 'A' DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGEMENT

I, _____, understand that as part of the pre-employment process, the Morris Township 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 from 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 or refuse to take the test 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



Morris Township Police Department



ATTACHMENT 'B' DRUG TESTING TRAINEE NOTICE AND ACKNOWLEDGEMENT

I, _____, understand that as part of the program of training at the Morris County Public Safety Training Academy, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my employer of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, 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, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

Signature of Trainee

Date

Signature of Witness

Date



Morris Township Police Department



ATTACHMENT 'C' DRUG TESTING OFFICER NOTICE AND ACKNOWLEDGEMENT

I, _____, understand that as part of my employment with The Morris Township Police Department, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the above listed department.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I refuse to undergo testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the 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 my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

Signature of Officer

Date

Signature of Witness

Date



Morris Township Police Department
ATTACHMENT 'D'
DRUG TESTING MEDICATION INFORMATION



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.

Check all that apply:

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

| | Name of medication | Prescribing Physician | Date Last Taken |
|---|--------------------|-----------------------|-----------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |

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

| | Name of medication | Date Last Taken |
|---|--------------------|-----------------|
| 1 | | |
| 2 | | |
| 3 | | |

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

 Social Security Number and Initials

 Date

 Signature of Witness

 Date



Morris Township Police Department

Random Drug Testing I.D. Number Selection



| | | |
|--------------|-------------|--------------|
| Date: | Day: | Time: |
|--------------|-------------|--------------|

Number(s) Selected

| | |
|-----------|--|
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |

This will certify that the above selection was conducted under the guidelines established by the Morris Township Police Department, the Morris County Prosecutor’s Office, and the Attorney General of the State of New Jersey.

| | |
|-------------------------|----------------------|
| Chief of Police: | IA Commander: |
|-------------------------|----------------------|

I/We certify that the above selection was conducted in my/our presence:

| | | | |
|-------------|--------------|-------------|--------------|
| PBA: | Date: | SOA: | Date: |
|-------------|--------------|-------------|--------------|

I/We decline to witness the above selection:

| | | | |
|-------------|--------------|-------------|--------------|
| PBA: | Date: | SOA: | Date: |
|-------------|--------------|-------------|--------------|



Morris Township Police Department

Specimen Acquisition Form



_____, you are hereby ordered to submit to a drug screening pursuant to Morris Township Police Employee Drug Testing Policy. This test is being ordered based on:

You have been randomly selected; or

There is reasonable suspicion to believe that you are illegally using drugs.

You are further ordered to supply the monitor _____ a sample of your urine so that this test can take place. (Name of Monitor)

| | | |
|-------------------------------|------|--------------|
| Date: | Day: | Time: |
| Name: | SSN: | |
| Location: | | |
| Monitor: | | |
| Location Stored: | | |
| Date taken to Toxicology Lab: | | |
| Delivered by: | | Received by: |
| Test Result: | | |
| Date Results Received: | | |

Under the provisions of the Morris Township Police Department’s Employee Drug Testing policy and the NJ Attorney General’s Guidelines, I understand that I must submit a second specimen for storage in the event that a positive test results. This second specimen will be stored at the State Toxicology Laboratory.

| | |
|----------|----------|
| Officer: | Monitor: |
|----------|----------|

| | |
|--|------------|
| 2 nd Specimen Submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Location Stored: | |
| Disposed: <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Released To: | Date/Time: |