

	<b>S.O.P.</b>		Eff. Date: 10-10-98
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		<b>Title: Drug Testing</b>	
Issuing Authority: William Eliason, Chief of Police			Eval. Date: 1/1/20
Accreditation			
Accreditation Standards:			
Revision Date 7/30/18			Approved WTE

**PURPOSE**

The purpose of this S.O.P. is to establish procedures for conducting and administering a drug testing program to identify illegal drug use by applicants for sworn law enforcement positions with the department, and for all full-time and part-time sworn members. Newly appointed officers, while attending a basic police training academy, will be subject to drug testing as established by that academy. This S.O.P. is in compliance with policies established by the New Jersey State Attorney General’s Office.

**POLICY**

It will be the policy of the department to conduct drug tests on every applicant for a law enforcement position during the pre-employment selection process. A randomly selected sampling of a minimum of 15% of all full-time and part-time members will be tested twice annually. The department will immediately remove from consideration any applicant who tests positive for illegal drug use or refuses to submit, and suspend, with intent to remove, any trainee or sworn member who tests positive or who refuses to submit.

**PROCEDURE**

**A. Applicant Advisement**

1. Applicants will be advised, in writing, that they will be required to submit a urine sample for drug use analysis as part of the pre-employment selection process. The advisement 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 NJ State Police, and
  - c. preclude the applicant from being considered for future law enforcement employment for a period of two years.
2. In addition, if the applicant is currently a law enforcement officer with another agency and tests positive, the officer's agency will be notified resulting in the officer's immediate suspension pending removal, and the officer being permanently barred from future law enforcement employment in NJ.
  3. There is no provision for collecting or analyzing a control sample for applicants who test positive. Any appeal or challenge will be the responsibility of the individual.
    - a. The intent to file, or the filing of an appeal or challenge will in no way affect the applicant's status with this or any other department.

#### B. Applicant Samples – Collection

1. The Internal Affairs Officer will be responsible for administering the collection and submission of applicant urine samples. This will include determining when samples are to be collected and how the collection will be monitored.
  - a. The Internal Affairs Officer or his designee must insure that the monitor is of the same sex as the applicant.
  - b. Two Urine samples will be obtained from the Applicant.
2. The monitor will be responsible for insuring that the Applicant Notice and Acknowledgement and all other documentation is fully and accurately completed. The identity of the individual applicant shall remain confidential throughout the process. Only the applicant's social security number shall appear on any document or container.
3. Applicants are not to complete the Drug Screening Medication Information form unless a positive test result has been received and the Chief of Police approves the completion and submission of the form to verify test results.
4. Samples will only be collected and submitted in containers approved by the NJ State Toxicology Lab. The Internal Affairs Officer will be responsible for insuring that an adequate supply of approved containers is kept on hand.
  - a. The NJ State Toxicology Lab is the only facility permitted to be used for law enforcement drug testing.
  - b. Both Urine samples will be delivered to the NJ State Toxicology Lab for testing.

5. Applicants will void without the direct observation of a monitor. The monitor will however be in a position to observe any attempt by the applicant to any way contaminate or otherwise compromise the integrity of the sample. If an applicant does contaminate or compromise the sample it will be brought to the immediate attention of the Internal Affairs Officer.
  - a. Contaminating or compromising a sample will be considered a refusal to submit and will result in the applicant being immediately dropped from consideration.
  - b. Submitting applicant will;
    - Open the sealed urine specimen bottle packet.
    - Put their social security number and date on the specimen bottle label with a #2 pencil.
    - Place the completed label inside the specimen bottle.
    - Produce a sample directly into the bottle.
    - Push the cap onto the bottle so as to effect a seal.
  - c. The sealed container will be submitted to the monitor.
  - d. Once the monitor is satisfied that the documentation has been properly completed and the sample properly collected, the monitor will take possession of the sample and will be responsible for its security pending transfer to the NJ State Toxicology Lab.
  
6. Applicants who cannot produce a sample when called upon, will remain under the supervision of the monitor until such time as a sample is produced. The monitor will encourage the applicant to drink fluids in an attempt to facilitate the production of a sample. If after one hour from the time of the initial attempt no sample has been produced the monitor will notify the Chief of Police.
  - a. The Internal Affairs Officer will decide whether to allow additional time for the production of a sample or to reschedule the collection.
  - b. The Internal Affairs Officer, with the approval of the Chief of Police, may have the applicant examined by a doctor to determine whether the inability to produce actually constitutes a refusal to submit.

#### C. Sworn Officers – Reasonable Suspicion Testing

1. Sworn officers, to include Class I and Class II Special Officers, will be ordered to submit to drug testing when there is reasonable suspicion to believe that the officer is illegally using drugs. Prior to ordering such a test a written report documenting the basis for the suspicion must be submitted to the Chief of Police for review. Only the Chief of Police may order a reasonable suspicion test.
  - a. In emergent circumstances the Chief of Police may issue such an order based on a verbal report. A written report must still be prepared and submitted within five working days of the verbal report.

- The PSD/CLEO may extend the five days if necessary, however a preliminary written report must be submitted within the five days and a supplemental report every five days thereafter until the submission of the final report.
2. When ordering the test the Chief of Police will advise the officer that a negative result is a condition of continued employment and that a positive test will result in;
    - a. immediate suspension from all duties,
    - b. termination from employment as a law enforcement officer upon final disciplinary action,
      - This process will be in accordance with law and no officer shall be denied the right of due process.
    - c. inclusion in the central drug registry maintained by the NJ State Police, and,
    - d. being permanently barred from future law enforcement employment in NJ.
  3. 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 a drug test.
  4. Officers ordered to provide a sample based on Reasonable Suspicion will provide two Urine samples. Both samples will be submitted to the NJ State Toxicology Lab for testing in accordance with the NJ Attorney Generals Guidelines.

#### D. Reasonable Suspicion Samples – Collection

1. The Internal Affairs Officer will be responsible for administering and monitoring the collection and submission of reasonable suspicion urine samples. Two Urine samples are to be collected as soon after the order is issued as is reasonably possible.
  - a. The Internal Affairs Officer will designate an officer of like sex to monitor collection if the officer being tested is of the opposite sex of the Internal Affairs Officer.
2. The Internal Affairs Officer will be responsible for insuring that the Drug Screening Medication Information form is completed and submitted by the officer. The officer's name is not to be used, only the social security number is to appear on any document or container.

- a. *Upon completion of the form the officer is to make two additional copies of the form. The officer is to separately seal the original and one copy of the form in the provided envelopes. The officer's social security number is to be written on the outside of the envelopes and the officer and the monitor are to initial the seal.*
    - *The third copy is the officer's copy.*
  - b. *The envelope containing the original copy is to be forwarded to the NJ State Toxicology Lab with the sample.*
  - c. *The envelope containing the copy is to be retained by the Investigations Commander. The information on the form is to be considered confidential. No one, to include the PSD/CLEO and the Investigations Commander, is to read the information on the form unless the officer tests positive.*
    - *Upon notification that the officer tested negative the unopened envelope is to be returned to the officer.*
3. Samples will only be collected and submitted in containers approved by the NJ State Toxicology Lab. The Internal Affairs Officer will be responsible for insuring that an adequate supply of approved containers is kept on hand.
    - a. The NJ State Toxicology Lab is the only facility permitted to be used for law enforcement drug testing.
  4. The officer will void without the direct observation of the Internal Affairs Officer or his designee. The monitor will however be in a position to observe any attempt by the officer to any way contaminate or otherwise compromise the integrity of the sample. If an officer does contaminate or compromise the sample it will be brought to the attention of the Chief of Police and may subject the officer to criminal prosecution.
    - a. In addition, contaminating or compromising a sample will be considered a refusal to submit and will result in the officer's immediate suspension pending removal.
    - b. Submitting officer will;
      - Open the sealed urine specimen bottle packet.
      - Put their social security number and date on the specimen bottle label with a #2 pencil.
      - Place the completed label inside the specimen bottle.
      - Produce a sample directly into the bottle.
      - Push the cap onto the bottle so as to effect a seal.
    - c. The sealed container will be submitted to the monitor.
    - d. Once a sample has been produced the officer will seal the container and submit it to the monitor.
    - e. The Internal Affairs Officer will then take possession of the sample and will be responsible for its security pending transfer to the NJ State Toxicology Lab.

5. Officers who cannot produce a sample when called upon, will remain under the supervision of the Internal Affairs Officer until such time as a sample is produced. The officer will be provided with fluids in an attempt to facilitate the production of a sample. If after one hour from the time of the initial attempt no sample has been produced the Internal Affairs Officer will notify the Chief of Police.
  - a. The Chief of Police will decide whether to allow additional time for the production of a sample or to reschedule the collection.
  - b. The Chief of Police, may have the officer examined by a doctor to determine whether the inability to produce actually constitutes a refusal to submit.

E. Sworn Officers – Random Drug Testing

1. All sworn members of the department, regardless of rank or assignment, will be subject to random drug testing. Sworn members include Class I and Class II Special Officers.
2. 15% of all officers will be randomly selected for testing for 2 RDT tests annually. All officers, to include those selected at the previous session, will be subject to selection. The Chief of Police will determine the exact dates of the selection.

F. Sworn Officers – Random Drug Testing Selection

1. Selection of officers for drug testing will be determined electronically. The Chief of Police will generate a list of seven randomly selected officers using the New World system random selection program.
2. A Selection Process Verification Form will be completed for each selection session. The form will indicate the date and time of the session, and the names of all officers present. Badge numbers drawn will be recorded on the form and the Chief of Police will initial each selection and sign the form verifying the numbers were drawn in compliance with this procedure.
  - a. Upon completion of the selection session both New World generated lists and the form will be submitted to the Internal Affairs Officer for filing.
  - b. Access to this file will be restricted to the Chief of Police and Internal Affairs Officer.
3. Other officers present are there only to verify the process and should not have access to the identity of the officers who have been selected.

4. Once the selection process is complete the Chief of Police will direct the Internal Affairs Officer to immediately arrange for the collection of samples. Officers who are required to report while off-duty will be compensated in accordance with current contractual agreements. Selected officers who are not immediately available due to pre-approved leave entitlement, training, or other authorized absence will be tested immediately upon becoming available.

#### G. Random Drug Testing Sample Collection

1. The Internal Affairs Officer will be responsible for administering and monitoring the collection and submission of random testing urine samples, to include the Chief of Police if selected. Two Urine samples are to be collected from the selected officers as soon after selection as is reasonably possible.
  - a. The Internal Affairs Officer will designate an officer of like sex to monitor collection if the officer being tested is of the opposite sex of the Internal Affairs Officer.
  - b. In the event the Internal Affairs Officer is to be tested, the Chief of Police will designate another officer of command rank to administer and monitor the collection and submission of samples.
2. The Internal Affairs Officer will be responsible for insuring that the Drug Screening Medication Information form is completed and submitted by the officer. The officer's name is not to be used, only the social security number is to appear on any document or container.
  - a. ***Upon completion of the form the officer is to make two additional copies of the form. The officer is to separately seal the original and one copy of the form in the provided envelopes. The officer's social security number is to be written on the outside of the envelopes and the officer and the monitor are to initial the seal.***
    - ***The third copy is the officer's copy.***
  - b. ***The envelope containing the original copy is to be forwarded to the NJ State Toxicology Lab with the sample.***
  - c. ***The envelope containing the copy is to be retained by the Internal Affairs Supervisor. The information on the form is to be considered confidential. No one, to include the Chief of Police and the Internal Affairs Officer, is to read the information on the form unless the officer tests positive.***
    - ***Upon notification that the officer tested negative the unopened envelope is to be returned to the officer.***

3. Samples will only be collected and submitted in containers approved by the NJ State Toxicology Lab. The Internal Affairs Officer will be responsible for insuring that an adequate supply of approved containers is kept on hand.
  - a. The NJ State Toxicology Lab is the only facility permitted to be used for law enforcement drug testing.
4. The officers will void two Urine samples without the direct observation of the Internal Affairs Officer or his designee. The monitor will however be in a position to observe any attempt by the officer to any way contaminate or otherwise compromise the integrity of the sample. If an officer does contaminate or compromise the sample it will be brought to the attention of the Chief of Police and may subject the officer to criminal prosecution.
  - a. In addition, contaminating or compromising a sample will be considered a refusal to submit and will result in the officer's immediate suspension pending removal.
  - b. Submitting officer will;
    - Open the sealed urine specimen bottle packet.
    - Put their social security number and date on the specimen bottle label with a #2 pencil.
    - Place the completed label inside the specimen bottles.
    - Produce two Urine specimens into two separate bottles.
    - Push the cap onto the bottle so as to affect a seal.
  - c. Once a sample has been produced the officer will seal the container and submit it to the monitor.
  - d. The Internal Affairs Officer will then take possession of the sample and will be responsible for its security pending transfer to the NJ State Toxicology Lab.
  - e. Both Urine samples will be submitted to the NJ State Toxicology Lab for testing.
5. Officers, who cannot produce a sample when called upon, will remain under the supervision of the Internal Affairs Officer until such time as a sample is produced. The officer will be provided with fluids in an attempt to facilitate the production of a sample. If after one hour from the time of the initial attempt no sample has been produced the Internal Affairs Officer will notify the Chief of Police.
  - a. The Chief of Police will decide whether to allow additional time for the producing of a sample or to reschedule the collection.
  - b. The Chief of Police, may have the officer examined by a doctor to determine whether the inability to produce actually constitutes a refusal to submit.



## H. Random Drug Testing Advisements

1. Prior to collecting samples the Internal Affairs Officer will advise the selected officers that a negative result is a condition of their continued employment with the department. A positive test will result in;
  - a. immediate suspension from all duties,
  - b. termination from employment as a law enforcement officer upon final disciplinary action,
    - This process will be in accordance with law and no officer shall be denied the right of due process.
  - c. inclusion in the central drug registry maintained by the NJ State Police, and,
  - d. being permanently barred from future law enforcement employment in NJ.
2. Officers will also be advised that a failure to provide a sample when so ordered carries the same consequences as does a positive test result.

## I. Submission of Samples

1. The department will make every effort to deliver collected samples to the lab within 24 hours of collection. If samples cannot be delivered within 24 hours they will be delivered as soon as possible. While samples are awaiting transfer they will be kept in a locked refrigerator in the department's evidence room.
  - a. The Internal Affairs Officer will be responsible for the security of the samples while in the department's custody and for assigning a member of the Investigations Division to transport the samples to the lab.
    - Under no circumstances will a tested officer transport the samples.

## J. Analysis of Samples

1. The NJ State Toxicology Lab will utilize the following test procedures to analyze urine samples:
  - a. All samples will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
  - b. Samples that test positive as a result of that test will be subject to a gas chromatography/mass spectrophotometry analysis to confirm the results of the initial test.
  - c. If the second test confirms the results of the initial test, a medical review officer will compare the test results with the medical questionnaire submitted with the sample to determine whether any substance listed would explain the positive result. The medical review officer may direct the department to obtain further information from the officer concerning information on the questionnaire. If the positive test results cannot be

explained by submission of this information the medical review officer will issue a report indicating the sample-tested positive.

- Upon receipt of that report the department will take action as mandated by the NJ State Attorney General's Office.
2. The lab will analyze each sample for the following substances and their metabolites:
    - a. amphetamine/methamphetamine
    - b. barbiturates
    - c. benzodiazepine
    - d. cannabinoids
    - e. cocaine
    - f. methadone
    - g. phencyclidine
    - h. opiates
    - i. steroids
  3. The analysis of each sample will be done in accordance with procedures adopted by the NJ State Toxicology Lab. These procedures will include but not be limited to;
    - a. security of the test samples
    - b. chain of custody
    - c. metabolite cut-off levels
    - d. issuance of test reports

#### K. Test Results

1. The NJ State Toxicology Lab will advise the department in writing of a positive test result within 15 days of submission of the sample. A report indicating a positive test result will not be issued until the sample has undergone a confirmatory test and the medical review officer has reviewed the test results and submitted information as outlined in section K. above.
2. Upon receipt of a positive test report the department will notify the affected applicant or officer as soon as is practical. The individual will be provided a copy of the lab report upon request.
3. Under no circumstances will the department be permitted to resubmit a sample for testing or request that a particular sample in the possession of the lab be retested.

## L. Records

1. The Internal Affairs Officer will maintain all records relating to drug testing. Records for all drug testing will include but not be limited to the following:
  - a. the identity of those ordered to submit urine samples
  - b. the reason for the order
  - c. the date the sample was collected
  - d. the officer who monitored the collection
  - e. the chain of custody from the time of collection until received by the NJ State Toxicology Lab
  - f. the results of the tests
  - g. copies of notifications to tested officers
  - h. documentation of disciplinary action taken for any positive result or refusal to submit
  
2. For random drug testing, the records will also include the following:
  - a. a description of the process used to randomly select officers for drug testing as outlined in this S.O.P.
  - b. the date of the selection
  - c. a copy of the document listing the identities of those selected for testing
  - d. a list of those who were tested
  - e. the dates of the test
  
3. Drug testing records will be maintained with the level of confidentiality required for internal affairs files pursuant to the NJ Internal Affairs Policy and Procedures.

## M. Central Drug Registry

1. In the event the department receives a positive test result, the following information will be provided to the Central Drug Registry:
  - a. name of individual who tested positive
  - b. address of individual who tested positive
  - c. date of birth
  - d. social security number
  - e. gender*
  - f. race*
  - g. eye color*
  - h. substance tested positive for, or circumstances of the refusal to submit
  - i. date individual tested positive*
  - j. date of removal from office
  - k. whether the individual was an applicant, trainee, or sworn officer
  - l. reason for testing*
2. *Notification must be made on department's Central Drug Registry form over Chief of Police's signature.*
3. Information maintained in the central registry will be released by the NJSP only in response to an inquiry by a law enforcement agency as part of a background investigation for prospective or newly appointed officers, and in response to a court order.

### JUSTIFICATION

This Standard Operating Procedure complies with the laws of the state of New Jersey and the Riverside Police Department rules and regulations. Changes or modifications will be made in written form only.

- End -

Attachments: [NJ Attorney General Law Enforcement Drug Testing Policy](#)