PURPOSE:

The purpose of this policy is to provide officers of the City of Vineland Police Department with specific guidelines concerning drug testing.

POLICY:

It is the policy of the City of Vineland Police Department to have a uniform and consistent policy concerning drug testing. This department will adhere to the New Jersey Attorney General Drug Testing Policy, New Jersey Attorney General Directive 2018-2, and any subsequent revisions or additions regarding the collection, submission and recording of specimens from applicants, trainees and sworn law enforcement officers.

PROCEDURES:

I. APPLICABILITY

A. This policy applies to:

1. 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;

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

3. 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.
II. TYPES OF DRUG TESTING

A. Applicants for a position as a law enforcement officer

1. Applicants will be required to submit a urine specimen prior to appointment after a conditional offer of employment.

B. Law enforcement trainees

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during a 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 Cumberland County prosecutor, the chief of police, or the police academy director.

C. Sworn law enforcement officers

1. Urine specimens shall be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the county prosecutor or the chief of police.

2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

1. Applicants to be tested for law enforcement positions must be notified 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
   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. Submission to reasonable suspicion testing and/or a negative result is a condition of employment as a sworn officer trainee. 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. The officer’s immediate suspension from all duties
   b. The officer’s termination from employment upon final disciplinary action
   c. Inclusion of the officer’s name in the Central Drug Registry maintained by the Division of State Police
   d. The officer being permanently barred from future law enforcement employment in New Jersey

2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

C. Sworn law enforcement officers: reasonable suspicion testing

1. Individual 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, a written report will be prepared that documents the basis for the reasonable suspicion. The report shall be reviewed by the Cumberland County prosecutor or the chief of police 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. Submission to reasonable suspicion testing and/or a negative result is a condition of employment as a sworn officer. A positive result will result in:

   a. The officer’s immediate suspension from all duties
   b. The officer’s termination from employment upon final disciplinary action
   c. Inclusion of the officer’s name in the Central Drug Registry maintained by the Division of State Police
   d. The officer being permanently barred from future law enforcement employment in New Jersey
4. 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 shall be deemed to have refused to submit to the drug test.

D. Sworn law enforcement officers: Random Drug Testing

1. This agency will conduct random drug testing on sworn law enforcement officers. All sworn members of this agency are eligible for random drug testing regardless of their rank or assignment. No advance warning is required nor shall it be given to agency members prior to conducting the tests.

2. The frequency of the random drug tests shall be determined by the chief of police. As per New Jersey Attorney General Directive 2018-2, random drug testing shall be conducted at least twice in every calendar year. At least 10 percent of the total number of sworn officers in the department shall be randomly tested each time.

3. The selection process utilized shall be conducted through the use of a computer program. Ten officers will be tested from the randomly generated list. Officers will be chosen in the order they appear. If a selected officer is exempt for reason(s) outlined in this policy, the selection process will continue in order until 10 officers are chosen. Exemptions include but are not limited to:
   a. Vacation/personal day
   b. Military/Maternity/Family/Funeral leave
   c. In-service training (out of the city)
   d. Injured/Leave of absence
   e. Sick time (only if officer was absent shift prior to the selection date)
   f. Regularly scheduled day off

4. The selection process shall be documented and verified by the Internal Affairs Unit. A member from each of the collective bargaining units shall be permitted to witness the selection process if they so choose.

5. Any member of this agency 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 discipline.

6. Urine specimens will be collected from selected officers, with a monitor present, in a prompt, efficient and confidential manner.

7. Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs. 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.
8. Submission to random drug testing and negative result is a condition of employment as a sworn officer. Refusal to submit and/or positive result will result in:

   a. The officer’s immediate suspension from all duties
   b. The officer’s termination from employment upon final disciplinary action
   c. Inclusion of the officer’s name in the Central Drug Registry maintained by the Division of State Police
   d. The officer being permanently barred from future law enforcement employment in New Jersey.

IV. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary Acquisition Procedures

1. The chief of police designates the Internal Affairs Unit and/or other designee(s) to serve as monitor. The monitor will always be the same sex as the officer 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
   c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.

4. Applicants shall submit to pre-employment drug testing immediately following a conditional offer of employment. Applicants shall complete the Drug Testing Medication form (Attachment B) at the time of their submission to testing.
Applicants shall not be tested before being given a conditional offer of employment.

5. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment C) advising the trainee that a negative result is a condition of employment 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
   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 Drug Testing Medication Information form (Attachment B).

6. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a Drug Testing Medication Information form (Attachment B).

B. 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 container.
   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. This agency will document the facts underlying the belief that an individual may adulterate a specimen or compromise the integrity of the test process.

5. Individuals that initially are unable to produce a 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. 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. Trainees and sworn law enforcement officers shall have the option to 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. This agency will maintain possession of the second specimen for a period of 60 days or until the agency 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 this agency under the following circumstances:

      i. Notification by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and

      ii. This agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and

      iii. 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

      iv. 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.

V. 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.
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 specimen will be stored in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.

C. Submission of specimens to the State Toxicology Laboratory will be submitted by personnel from this agency only.

VI. ANALYSIS OF SPECIMENS

A. Urine samples submitted to the State Toxicology Laboratory undergo initial and confirmatory tests as per their procedures.

B. Confirmatory tests may include a medical review where the medical review officer may direct the department to obtain further information from the individual being tested concerning the medications listed on the Medication Information form. In the event the form does not explain the test result, the medical review officer will issue a report indicating that specimen tested positive.

C. The State Toxicology Laboratory may analyze each specimen for the following substances and their metabolites:

   a. Amphetamine/methamphetamine
   b. Barbiturates
   c. Benzodiazepine
   d. Cannabinoids
   e. Cocaine
   f. Methadone
   g. Phencyclidine
   h. Opiates

D. In addition, the chief of police may request that samples be tested for the presence of steroids.

VII. DRUG TEST RESULTS

A. The State Toxicology Laboratory shall notify this agency of test results from the specimens submitted for analysis. All reports shall be in writing and should be sent to the agency 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. This agency will notify the applicant, trainee or sworn officer of the result 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 this agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

VIII. 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 a 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.

IX. RECORD KEEPING AND REPORTING

A. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

B. The records will 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. Appropriate documentation of disciplinary action for any positive result or refusal

2. For random drug testing, the records will also include:
a. A description of the process used to randomly select officers for drug testing
b. The date the 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
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.

D. In the event of a positive drug test by an officer, a refusal by an officer to take a drug test, or the administration of a reasonable suspicion drug test to an officer, the chief of police or designee shall provide confidential written notice to the Cumberland County prosecutor or their designee within 10 days. Upon completion of any disciplinary action, the department shall report the discipline to the Cumberland County prosecutor or designee.

E. By December 31st of each year, the chief or designee shall provide written notice to the Cumberland County prosecutor, or their designee, of the testing dates conducted during that 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.

F. All random drug testing policies adopted by the department shall be made available to the public upon request and shall be posted on the department's website.

X. CENTRAL DRUG REGISTRY

A. Every law enforcement agency 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 D.

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 of refusal
12. Date of final dismissal or separation from the agency
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 of police or director of public safety, 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, NJ 08628-0068

REFERENCE LINKS:

ATTACHMENTS: A-D

New Jersey Attorney General Drug Testing Policy