



# FREEHOLD TOWNSHIP POLICE

## GENERAL ORDER

<b>SUBJECT:</b> <b>DRUG SCREENING PROGRAM</b>		<b>G.O. #</b> <b>2023-03</b>	
		<b>EFFECTIVE DATE</b> <b>2/22/2023</b>	
<b>SUPERSEDES</b> G.O. 2020-02	<b>ORDER #</b>	<b>DATED:</b> <b>12/18/2020</b>	<b>SECTION CODE</b>

### I. PURPOSE

The purpose of this document is to clearly define the duties, responsibilities, and procedures for administering the Drug-Screening Program for Police Personnel of the Freehold Township Police Department. This General Order is in compliance with the Policies established by the New Jersey State Attorney General's Office and the Monmouth County Prosecutor's Office.

### II. POLICY

The Freehold Township Police Department recognizes that drug abuse represents one of the most serious threats to the stability of our society and that the Police Department is responsible for dealing with drug abuse. Furthermore, that the public expects all members of this Department possess the integrity, physical coordination, and clear judgment necessary to provide Police services. Finally, not only is illegal drug use a violation of the law we were Sworn to uphold, there is sufficient evidence to conclude that use of illegal drugs, drug dependence, and drug abuse seriously impairs an employee's performance and general physical and mental health, places fellow employees at risk, and causes the Public to lose confidence in the Police to properly perform their duties. It is therefore, the Policy of the Freehold Township Police Department that drug abuse by any employee will not be tolerated and is expressly prohibited. It is the Policy of the Freehold Township Police Department that all drug testing of applicants, trainees and Sworn Officers be conducted in accordance with this policy.

### **III. PROCEDURE**

#### **A. DEFINITIONS:**

1. **APPLICANT:** A person who applies 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: 396.
2. **TRAINEE:** A person who employed by the Police Department and is subject to the Police Training Act while they attend a mandatory basic training course.
3. **SWORN OFFICER:** Persons 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.
4. **RANDOM SELECTION:** Random selection shall be defined as a method of selection in which each and every sworn member of the Police Department (EXCLUDING TRAINEES IN A POLICE ACADEMY AND SWORN OFFICERS ON EXTENDED SICK/INJURY LEAVE), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this policy, "extended sick/injury leave" is defined as an illness/injury in which the Officers' return is not anticipated for at least one month from the date of the selection.)

#### **B. TYPES OF DRUG TESTING:**

##### **1. APPLICANTS:**

The Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees should be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the Drug Testing Medication Information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee. The Drug Testing

Medication Information form shall be used if a conditional offer of employment has been made to the applicant.

**2. LAW ENFORCEMENT TRAINEES:**

- a. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission or the New Jersey State Police are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission or the New Jersey State Police.
- b. Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Chief of Police, or the Academy director.

**3. SWORN LAW ENFORCEMENT OFFICERS:**

- a. 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.
- b. 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 Freehold 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.
- c. 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 obtained are not governed by this policy.

## **C. NOTIFICATION OF DRUG TESTING PROCEDURES:**

### **1. APPLICANTS:**

Agencies must notify applicants for law enforcement positions 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. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

### **2. TRAINEE:**

All newly appointed Law Enforcement Officers shall be informed that drug testing is mandatory during basic training and that a negative test result is a condition of employment. Trainees are required to complete the "Drug Testing Trainee Notice & Acknowledgement" form (Attachment C). This document delineates the ramifications of a positive test result, which are:

- a. Trainee being terminated from employment;
- b. The inclusion of the Officer's name in the central drug registry maintained by the division of the New Jersey State Police;
- c. The Officer being permanently barred from future Law Enforcement employment in New Jersey.
- d. 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. SWORN LAW ENFORCEMENT OFFICERS - REASONABLE SUSPICION TESTING:**

- a. Testing Required: 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.
- b. Required Documentation: Before an Officer may be ordered to submit to a drug test based on reasonable suspicion, a written report that documents the basis for the reasonable suspicion shall be prepared. The County Prosecutor or the Chief of Police shall review the report 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.
- c. Negative Test Result Required for Employment: A negative result is a condition of employment.
- d. Refusal to Submit or Positive Test Result: If the Officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or produces a positive result from a drug test, the employee will be:
  1. Terminated from employment;
  2. Included of the Officer's name in the central drug registry maintained by the Division of the State Police;
  3. Permanently barred from future Law Enforcement employment in New Jersey.

**D. RANDOM DRUG TESTING FOR SWORN LAW ENFORCEMENT OFFICERS:**

**1. ELIGIBILITY FOR DRUG TESTING:**

With few exceptions, all sworn members of the Freehold Township Police Department are eligible for random drug testing, regardless of rank or assignment. Officers who are on extended sick/injury leave, over 30 days, and trainees in the Police Academy will be excluded from the Freehold Township Police Department random selection. Trainees are subject to the Academy's drug screening process.

**2. FREQUENCY/NUMBERS TO BE TESTED:**

Random drug testing will occur two times per year, with 10 percent of the Sworn Officers of the Department tested. The dates and times of the testing will be determined by the Chief of Police or his designee.

**3. MONITORING THE SELECTION PROCESS:**

The process (random selection of the names) shall be monitored and witnessed by the Freehold Township Chief of Police or his designee, a representative of Freehold Township Internal Affairs, and the President of PBA 209 or his designee.

**4. CONFIDENTIALITY OF THOSE TO BE TESTED:**

Any member of the Police 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 collection of urine specimens shall be subject to discipline.

**5. RANDOM SELECTION SYSTEM:**

The selection of Officers tested shall be conducted via a random selection, utilizing "Randomware" software installed in the Internal Affairs commander's computer. The random selection methodology used by this software is unbiased and mathematically sound.

The most current roster will be utilized and all sworn members will be entered into the program for possible selection. Only those Officers determined to be ineligible for consideration for the selection process by the Chief of Police will be eliminated from the selection process (i.e., Trainees in the Academy or Officers on extended sick/injury leave).

The Internal Affairs Officer will allow all witnesses to view the computer screen in order to verify that all Officers, both eligible and excluded, are listed prior to the selection. Once this verification is complete, the view of the screen will be obstructed from the witnesses and the Internal Affairs Officer will start the computerized random program.

Once the Officers to be tested are selected by the random program, the list of selected Officers will be printed. The Internal Affairs Officer, without allowing any witness to see the actual names selected, will have each witness sign/date the back of the computer-generated list. This action will serve to confirm that this list was indeed the one generated in front of the witnesses. This hard copy will be retained in the respective Internal Affairs file.

The Internal Affairs Officer will supply a copy of the selected Officers to the Chief of Police, who will then notify the designated monitor of the identity of the Officers selected and direct sample acquisition. The Randomware Program "history file" maintains a permanent record of all tests conducted and the Officers selected. Hard copy documentation of all random drug testing selections and the

results will be placed in the Internal Affairs files and accessed via Court Order should there be a challenge to the process.

**6. SYSTEM OF COLLECTION OF URINE SPECIMENS:**

Officers selected for random drug testing shall, upon arrival for or departure from their next scheduled tour of duty, be directed to void a specimen pursuant to the procedures identified in this policy. One of the monitors (as designated by the Chief of Police) shall be responsible for completing the forms and for ensuring the specimens are transported to the State Toxicology Lab for analysis purposes.

**7. REFUSAL TO PARTICIPATE IN RANDOM DRUG TESTING:**

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 illegal drug use. 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.

**E. SPECIMEN ACQUISITION PROCEDURES:**

**1. DESIGNATION OF MONITOR/MONITOR RESPONSIBILITIES:**

a. The Police Department shall designate a member of its staff to serve as monitor of the specimen acquisition process. In most cases the monitor will be the Commander of the Internal Affairs unit unless his/her name is selected to be tested, is unavailable for the assignment or an Officer of the opposite sex is selected for the testing process. Under these circumstances the Chief of Police will assign the monitor responsibilities to either another appropriate member of the staff or an Officer selected from another agency. The monitor shall always be the same sex as the individual being tested. In the event there is no member of the same sex available from the Police Department, the Chief of Police may request that a member of the same sex from another agency serve as monitor of the acquisition process

b. Monitor Responsibilities:

1. Ensure that the individual submitting the specimen fully and accurately completes all documentation.

2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
3. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Lab within the Division of Criminal Justice for analysis.

## 2. **APPLICANT:**

1. Prior to submission of a specimen, an applicant for a Law Enforcement position shall complete the "Drug Testing Applicant Notice & Acknowledgment" form, (Attachment "A"). This form notifies the Applicant that a negative result is a condition of employment and that a positive test 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.
2. Applicants are not required to complete a Drug Testing Medication Information form at this time, unless a positive test result requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.
3. 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 Police Department receives a report indication that the specimen tested positive for a controlled substance.

## 3. **TRAINEE:**

1. Prior to submission of a specimen, the Academy staff shall have the trainee complete the "Drug Testing Trainee Notice & Acknowledgment" form, utilized by that particular Academy. The contents of this form advise the following:

- 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 the Township of Freehold.
  - 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.
  - e. The refusal to participate in the testing process carries the same penalties as testing positive.
2. The trainee will be required to complete a "Drug Testing Medication Information" form that identifies medications (prescription & nonprescription [i.e., over-the-counter] that were ingested in the past fourteen, 14 days).

**4. SWORN LAW ENFORCEMENT OFFICER:**

1. Prior to submission of a urine specimen, Sworn Law Enforcement Officers complete a "Drug Testing Medication Information" form (Attachment B) that identifies medications (prescription & non-prescription [i.e., over-the-counter] that were ingested in the past fourteen, 14 days), place it into an envelope provided by the monitor and seal the envelope. Both the Officer and the monitor shall initial the flap of the envelope and the monitor shall place clear tape over the initials. All specimens must be accompanied by the respective "Testing Medication Information" form upon delivery to the New Jersey State Toxicology Lab.

**F. SPECIMEN COLLECTION - APPLICANTS, TRAINEES, SWORN LAW ENFORCEMENT OFFICERS:**

**1. CONFIDENTIALITY OF PROCESS:**

Throughout the test process, the identity of the individual applicants, trainees, and Sworn Law Enforcement Officers shall remain confidential. Individual specimens shall be identified throughout the process by use of donor

identification numbers (Donor ID). At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Lab.

**2. CONTAINERS TO BE UTILIZED:**

Specimens will be collected utilizing split collection kits supplied by the State Medical Examiner Toxicology Lab. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the Lab. It is the responsibility of the agency to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).

**3. SPECIMEN ACQUISITION:**

Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Lab.

Unless otherwise noted, all steps must be completed in the presence of the monitor.

In order to ensure the accuracy and integrity of the collection process a monitor may:

- a. Direct the officer to remove any outer clothing, empty their pockets and wash their hands before producing a specimen.
- b. Add a tinting agent to the toilet water and secure an area where the specimens are to be collected.
- c. The monitor shall complete the agency information, donor identification and test information sections of the Custody and Submission Form (CSF).
- d. The monitor allows the donor to select one Lab issued, sealed split specimen collection kit.
- e. The donor unseals the split specimen kit, removes the specimen bag and specimen containers from the specimen collection container and places all of the items on a clean surface.
  - The specimen containers shall be kept closed/unsealed at this time.
  - The specimen collection container and specimen containers should be kept within view of both donor and the monitor.
- f. The monitor instructs the donor to void a specimen of at least 45ml into the specimen collection container, to not flush the toilet and return with the specimen container immediately after the specimen is produced.
- g. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.

- A color change between 90 and 100 degrees F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking the "Yes" or "No" box on the CSF. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
- The monitor must follow the "Shy Bladder" procedure for donors if they are unable to initially produce an adequate specimen.
- h. The monitor then instructs the donor to split the collected specimen into the specimen containers.
  - The donor opens both specimen containers and pours at least 30ml of urine from the collection container into the primary specimen container and at least 15ml of urine into the secondary specimen container.
  - The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
- i. The monitor instructs the donor to seal the specimen containers with tamper evident seals from the CSF.
  - The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container (At least 30ml).
  - The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container (At least 15ml).
  - After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
- j. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
- k. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pads.
- l. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet.
- m. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch opening.
- n. Any remaining urine and the specimen container may be discarded.

4. **"Shy Bladder" Procedure:**

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 up to 40 oz. of fluids in an attempt to induce the production of a specimen. Under no circumstances should multiple voids be combined to produce an adequate sample.

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.

5. **SPLIT SPECIMEN TESTING:**

1. A donor whose specimen tested positive may only challenge the positive result by having the split specimen independently tested by an accredited lab. The first specimen will not be retested.
2. The split specimen will be maintained by the Lab for a minimum of one year following the receipt of a positive drug test result from the Lab by the Police Department.
3. The second specimen will be released by the Lab under the following circumstances:
  - a. The Police Department is notified by the State Toxicology Lab that the first specimen tested positive for a controlled substance;
  - b. The Police Department notifies the donor that the specimen tested positive for a controlled substance;
  - c. The Police Department is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
  - d. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier, also following accepted chain of custody procedures.
  - e. Following the testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the Police Department and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

**G. SUBMISSION OF SPECIMENS FOR ANALYSIS:**

**1. LAB TO CONDUCT ANALYSIS:**

The NJ State Toxicology Lab 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 lab for purposes of analyzing urine specimens.

**2. TIME CONSTRAINTS FOR SUBMITTING SAMPLES:**

Urine specimens should be submitted to the State Toxicology Lab within one (1) working day of their collection. In the event a specimen cannot be submitted to the lab within one (1) working day of its collection, the Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Lab. Specimens are to be submitted by Police Department personnel only and not by commercial courier.

**H. ANALYSIS OF SPECIMENS:**

The State Toxicology Lab will utilize the following test procedures to analyze urine specimens for Law Enforcement agencies:

1. **INITIAL TEST:** 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. **CONFIRMATION TEST:** 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.
3. **MEDICAL REVIEW OF POSITIVE RESULTS:** In the event a specimen is confirmed to be positive for a controlled substance following gas chromatography/mass spectrophotometry, a medical review Officer at the lab shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The Medical Review Officer may direct the PD to obtain additional information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review Officer shall issue a report indicating that specimen tested positive.

4. **SUBSTANCES TEST IS TO IDENTIFY:** The State Toxicology Lab shall analyze each specimen for the following substances:

a. Amphetamine/methamphetamine;

b. Barbiturates;

c. Benzodiazepine;

d. Cocaine;

e. Methadone;

f. Phencyclidine; and

g. Opiates;

h. Marijuana/Cannabis (**only** to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion sections II.C.2 and II.C.3 of the Attorney General's Guideline for Law Enforcement Drug

5. **ANALYSIS PROTOCOL:** The analysis of each specimen shall be done in accordance of procedures adopted by the State Toxicology Lab. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

#### I. **DRUG TEST RESULTS:**

##### 1. **NEGATIVE RESULTS:**

When the results are received from the lab and they are negative, the Internal Affairs Officer will generate a letter indicating that the results were indeed negative, attach a copy of the lab report to this letter, place it in an envelope and seal it. This envelope will then be delivered to the Officer involved.

**2. POSITIVE RESULTS:**

**a. NOTIFICATION OF A POSITIVE TEST RESULT:**

The State Toxicology Lab shall notify the Police Department of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the Police Department within fifteen (15) working days of the submission.

**b. MEDICAL REVIEW REQUIRED PRIOR TO NOTIFICATION:**

The State Toxicology Lab 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. NOTIFICATION OF PERSON TESTED:**

The 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 Lab. Upon request, the individual may receive a copy of the lab report.

**3. RESUBMISSION OF SAMPLE FOR RE-TESTING:**

Under no circumstances may the Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be re-tested.

**J. CONSEQUENCES OF A POSITIVE TEST RESULT:**

**1. APPLICANT:** When an applicant tests positive for illegal drug use:

- a. The applicant shall be immediately removed from consideration for employment;
- b. The applicant shall be reported to the central drug registry maintained by the Division of State Police by the Police Department to which the individual applied;
- c. The applicant shall be precluded from consideration for future Law Enforcement employment by any Law Enforcement Agency in NJ for a period of two (2) years.

- d. 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/her name to the central drug registry maintained by the Division of State Police.
2. **TRAINEE:** When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission;
- a. The trainee shall be immediately dismissed from basic training and suspended from employment by his/her appointing authority;
  - b. The trainee shall be terminated from employment as a Law Enforcement Officer, upon final disciplinary action by the appointing authority;
  - c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
  - d. The trainee shall be permanently barred from future Law Enforcement employment in NJ.
3. **SWORN LAW ENFORCEMENT OFFICER:** When a Sworn Law Enforcement Officer tests positive for illegal drug use;
- a. The Officer shall be immediately suspended from all duties;
  - b. The Officer shall be terminated from employment as a Law Enforcement Officer, upon final disciplinary action;
  - c. The Officer shall be reported to Central Drug Registry maintained by the Division of State Police by his/her employer; and
  - d. The Officer shall be permanently barred from future Law Enforcement employment in NJ.

**K. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST:**

**1. APPLICANTS:**

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 in New Jersey for a period of two years. In addition, the Police

Department shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

**2. TRAINEES:**

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 Police Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

**3. SWORN LAW ENFORCEMENT OFFICER:**

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 Police Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

**L. OFFICER WHO RESIGNS/RETIRES AFTER TESTING POSITIVE OR REFUSES TO SUBMIT TO TEST:**

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 completion of final disciplinary action, shall be reported by the Department to the Central Drug Registry and shall be permanently barred from future Law Enforcement employment in New Jersey.

**M. RECORD KEEPING:**

**1. MAINTENANCE OF RECORDS:**

Internal Affairs shall maintain all records relating to drug testing of applicants, trainees, and Law Enforcement Officers.

**2. FILE CONTENTS:**

The drug testing records shall include but not be limited to:

- 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 Lab;
- f. The results of the drug testing;
- g. Copies of notification to the subject;
- h. For any positive result or refusal, appropriate documentation of disciplinary action.

**3. RANDOM DRUG TESTING:**

The file shall also include the following information:

- a. A description of the process used to randomly select Officers for drug testing;
- b. The date the selections were 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.

4. 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.

## **N. CENTRAL DRUG REGISTRY:**

### **1. NOTIFICATION REQUIRED:**

The Central Drug Registry shall be notified of the identity of the applicants, trainees and Sworn Law Enforcement Officers who test positive for illegal use of drugs or refuse an order to submit a urine sample.

### **2. DOCUMENTATION NEEDED FOR NOTIFICATION:**

Notifications to the Central Drug Registry shall include the following information as to each individual:

- a. The name & address of the Police Department and contact person;
- b. The name of the individual who tested positive;
- c. The last known address of the individual;
- d. The date of birth of the individual;
- e. The social security number of the individual;
- f. The SBI number of the individual (if applicable);
- g. The gender of the individual;
- h. The race of the individual;
- i. The individual's eye color;
- j. The date of the drug test or refusal;
- k. The date of the final dismissal or separation from the agency; and
- l. Whether the individual was an applicant, trainee, or Sworn Law Enforcement Officer.

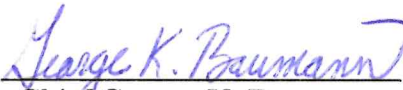
### **3. NOTIFICATIONS SENT TO:**

Records & Identification Section  
Division of State Police  
P.O. Box 7068  
West Trenton, NJ 08628-0068

4. INFORMATION CONTAINED IN THE CENTRAL REGISTRY MSY BE  
RELEASED BY THE DIVISION OF STATE POLICE ONLY UNDER THE  
FOLLOWING CIRCUMSTANCES:

- a. In response to an inquiry from a Law Enforcement agency as part of the background investigation process for prospective or newly appointed personnel; or
- b. In response to a Court Order.

By Order of:

  
Chief George K. Baumann

# FREEHOLD TOWNSHIP POLICE DEPARTMENT



## DRUG TESTING POLICY APPLICANT NOTICE AND ACKNOWLEDGMENT ATTACHMENT A

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I \_\_\_\_\_, understand that as part of the pre-employment process, the Freehold 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 for employment.

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

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a Sworn Law Enforcement Officer, I will be barred from future Law Enforcement employment in New Jersey for two years from the date of the test. After this two-year period, the positive test result may be considered in evaluating my fitness for future Criminal Justice employment.

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

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

\_\_\_\_\_  
Signature of Applicant & Date

\_\_\_\_\_  
Signature of Witness & Date

# FREEHOLD TOWNSHIP POLICE DEPARTMENT



## DRUG TESTING POLICY MEDICATION INFORMATION ATTACHMENT B

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

All that apply:

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

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

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

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Donor ID number & Initials

---

Date

# FREEHOLD TOWNSHIP POLICE DEPARTMENT



## DRUG TESTING POLICY MEDICATION INFORMATION PRIVACY ATTACHMENT B-1

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To ensure my medical information remains private I understand that the information that I placed on attachment B will remain sealed and only viewed by members of the New Jersey State Toxicology Lab or in the case of a positive test result, the assigned monitor.

I understand that it is a requirement of this Policy to provide all information in regards medications I have taken, whether prescribed by a physician or obtained over the counter during the past 14 days.

I have been instructed on how to fill out the medical form (Attachment B) including all blocks that are required to be completed.

I do not have any questions and have a complete understanding of the medical form.

I have completed all information requested on the medical form accurately and understand that I am subject to Department discipline for any false or intentionally missing information.

\_\_\_\_\_  
Donor ID Number & Initials

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

# FREEHOLD TOWNSHIP POLICE DEPARTMENT



## DRUG TESTING POLICY TRAINEE NOTICE AND ACKNOWLEDGMENT ATTACHMENT C

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I \_\_\_\_\_, understand that as part of the program of training at \_\_\_\_\_, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative result is a condition of my continued attendance at the Academy.

I understand that I can refuse to undergo the testing. I understand that if I refuse, I will be dismissed from the Academy 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 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 I 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

**FREEHOLD TOWNSHIP POLICE DEPARTMENT**  
**NOTIFICATION TO THE CENTRAL DRUG REGISTRY**  
**ATTACHMENT D**

*Type or Print*

<b>AGENCY SUBMITTING</b>			
AGENCY: FREEHOLD TOWNSHIP POLICE DEPARTMENT		PHONE: (732) 462-7500	
ADDRESS: 1 MUNICIPAL PLAZA	CITY: FREEHOLD	STATE: NJ	ZIP: 07728
CONTACT PERSON:	TITLE:	PHONE:	

<b>PERSON TO BE ENTERED</b>					
LAST NAME:	FIRST NAME	INITIAL	GENDER:	RACE:	EYE COLOR:
DOB:	SSN:	SBI NUMBER (IF KNOWN)			

THIS PERSON WAS:	<input type="checkbox"/>	APPLICANT	<input type="checkbox"/>	TRAINEE
	<input type="checkbox"/>	SWORN OFFICER – RANDOM	<input type="checkbox"/>	SWORN OFFICER REASONABLE SUSPICION

<b>REASON FOR NOTIFICATION</b>
THE PERSON LISTED ABOVE: <input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE) OR <input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE

DATE OF THE DRUG TEST OR REFUSAL:	DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY:
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<b>CERTIFICATION</b> <i>(MUST BE COMPLETED BY CHIEF. MUST BE NOTARIZED WITH RAISED SEAL)</i>
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I hereby affirm that the above information is true and correct to the best of my knowledge.

Print Name _____	Title _____	Signature _____
Sworn and subscribed before me this _____ day of _____, _____		
SEAL _____	_____	

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

# FREEHOLD TOWNSHIP POLICE DEPARTMENT



## DRUG TESTING POLICY EXPLANATION OF SPLIT SPECIMEN TESTING OPTION ATTACHMENT E

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### SPLIT SPECIMEN TESTING:

1. A donor whose specimen tested positive may only challenge the positive result by having the split specimen independently tested by an accredited lab. The first specimen will not be retested.
2. The split specimen will be maintained by the Lab for a minimum of one year following the receipt of a positive drug test result from the Lab by the Police Department.
3. The second specimen will be released by the Lab under the following circumstances:
  - a. The Police Department is notified by the State Toxicology Lab that the first specimen tested positive for a controlled substance;
  - b. The Police Department notifies the donor that the specimen tested positive for a controlled substance;
  - c. The Police Department is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
  - d. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier, also following accepted chain of custody procedures.

I have read the aforementioned information regarding the Split Testing Procedure.

\_\_\_\_\_  
Initials of Person Tested      Date

\_\_\_\_\_  
Signature of Witness      Date



**FREEHOLD TOWNSHIP POLICE DEPARTMENT**  
*RANDOM DRUG TESTING TRACKING FORM*

**IN ADDITION TO THE "STANDARD DRUG TESTING TRACKING FORM", THIS FORM SHALL BE COMPLETED ANYTIME RANDOM DRUG TESTING OCCURS AND IS TO BE PLACED IN THE FREEHOLD TOWNSHIP POLICE DEPARTMENT INTERNAL AFFAIRS FILE.**

**RANDOM SELECTION SYSTEM:** The selection of those to be tested shall be conducted via computer. The identification of all Sworn personnel shall be entered into a protected computer program that selects a specific number of persons to be tested on a random basis. (Note: this file will not be available to any Departmental personnel except for the Chief of Police and the Internal Affairs Officer.) Once the Officers to be tested are selected and in the presence of those who witnessed the selection process, the selection shall be signed by all those present, placed in an envelope, and sealed. This envelope containing the selection shall be placed in the Internal Affairs files and accessed via Court Order should there be a challenge to the process.

**1. DATE SELECTION WAS MADE:**

---

**2. WITNESSES TO THE SELECTION:**

INTERNAL AFFAIRS OFFICER	1.	_____
CHIEF OF POLICE OR DISIGNEE	2.	_____
PBA 209 REPRESENTATIVE	3.	_____

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**3. DONOR ID AND DATES TESTED OF THOSE SELECTED:**

DATE: _____	1.	_____
DATE: _____	2.	_____
DATE: _____	3.	_____
DATE: _____	4.	_____
DATE: _____	5.	_____
DATE: _____	6.	_____
DATE: _____	7.	_____
DATE: _____	8.	_____
DATE: _____	9.	_____
DATE: _____	10.	_____
DATE: _____	11.	_____
DATE: _____	12.	_____
DATE: _____	13.	_____
DATE: _____	14.	_____

# FREEHOLD TOWNSHIP POLICE DEPARTMENT

## DRUG TESTING SPECIMEN ACQUISITION CHECK LIST

DATE: \_\_\_\_\_

NAME OF MONITOR: \_\_\_\_\_

NAME OF PERSON TO BE TESTED: \_\_\_\_\_

MONITOR SHALL COMPLETE THE AGENCY INFORMATION, DONOR IDENTIFICATION AND TEST INFORMATION SECTIONS OF THE CSF. MONITOR WILL INSPECT FORMS FOR ACCURACY/COMPLETENESS.

DONOR WILL REMOVE OUTER CLOTHING, EMPTY POCKETS AND WASH THEIR HANDS.

MONITOR SHALL ALLOW THE DONOR TO SELECT ONE LAB ISSUED, SEALED SPLIT SPECIMEN COLLECTION KIT.

DONOR UNSEALS THE SPLIT SPECIMEN KIT, REMOVES THE SPECIMEN BAG AND SPLIT SPECIMEN CONTAINERS FROM THE COLLECTION CONTAINER AND PLACES THEM ON A CLEAN SURFACE.

MONITOR SHALL RESTRICT THE WATER SUPPLY AND SINK DRAIN TO PREVENT SPECIMEN TAMPERING

MONITOR SHALL PLACE COLORING AGENT INTO TOILET WATER AND INSTRUCT PERSON TO BE TESTED TO REFRAIN FROM FLUSHING TOILET

DONOR SHALL VOID INTO THE SPECIMEN COLLECTION CONTAINER (45 ML min) AND MONITOR SHALL VERIFY AN UNADULTERATED ADEQUATE SAMPLE (TEMPERATURE STRIP TO REGISTER 90-100 DEGREES).

DONOR SHALL SPLIT THE COLLECTED SPECIMEN INTO THE INDICATED SPECIMEN CONTAINERS (30 ml AND 15 ml) AND SECURES BOTH SPECIMEN CONTAINERS.

DONOR SHALL SEAL THE SPECIMEN CONTAINERS USING THE TAMPER EVIDENT SEALS AS DIRECTED AND THEN PLACES BOTH OF THEM IN THE FRONT POUCH OF THE SPECIMEN BAG.

MONITOR SHALL COMPLETE THE AGENCY ACKNOWLEDGEMENT SECTION OF THE CSF, SEPARATE THE WHITE COPY OF THE CSF, FOLD AND PLACE THAT COPY IN THE REAR POUCH OF THE SPECIMEN BAG WITH THE SEALED MEDICAL INFORMATION FORM.

THE MONITOR SEALS THE SPECIMEN BAG AS DIRECTED AND ENSURES CHAIN OF CUSTODY PROCEDURES ARE FOLLOWED REGARDING DELIVERY TO THE STATE TOXICOLOGY LAB WITHIN ONE WORKING DAY WHENEVER PRACTICABLE. (SPECIMENS ARE TO BE TRANSPORTED IN A COOLER)

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