

	GENERAL ORDER		12 – 18
	SUBJECT: SUBSTANCE ABUSE – DRUG TESTING POLICY		
	<i>CROSS REFERENCE:</i> ATTORNEY GENERAL GUIDELINES, AG DIRECTIVE 2018-2		
	<i>SUPERSEDES:</i> GENERAL ORDER 1-12		
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PURPOSE

To insure the employment of only those members and employees that are free of illegal drug use, to protect the integrity of the law enforcement function, to maintain the safety of the public and personnel, and to enhance the effective delivery of law enforcement services and to protect the public interest, the following Substance Abuse - Drug Testing policy is hereby effective June 19, 2018. This policy supersedes General Order 1-12.

POLICY

This policy applies to:

- A. Applicants - Applicants for a position as a law enforcement officer in the Police Department who, if appointed and certified by the Police Training Commission, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
- B. Trainees - Newly appointed unsworn law enforcement officer trainees hired by the City in the Police Department temporarily under N.J.S.A. 52:17B-68.1, while they attend a mandatory basic training course under the Police Training Act to obtain a law enforcement officer certification or sworn certified officers who are attending a certified police training academy for basic retraining;
- C. Members - Sworn certified law enforcement officers regardless of rank, employed by the City in the Police Department, who are responsible for the enforcement of 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.

This policy will deter substance abuse, detect and address substance abuse problems as quickly as possible, provide help where possible, and encourage members and employees who are abusing drugs to seek assistance voluntarily. This policy is based in part on the New Jersey Attorney General's Guidelines for drug testing of law enforcement officers in the State of New Jersey.

PROCEDURES

1. TYPES OF DRUG TESTING

1.1. Applicants for a Position as a Law Enforcement Officer

- 1.1.1. Applicants will be required to submit one or more urine specimens under the supervision of the Jersey City Police Academy Director, or other designee of the Director of Public Safety or Chief of

Police, at any time prior to being hired as a temporary trainee under N.J.S.A. 57: 17B-68.1 to attend a mandatory basic training course under the Police Training Act.

1.2. Law Enforcement Officer Trainees

1.2.1. Law enforcement officer trainees will be required to submit, under the supervision of the Police Academy Director at which they are in attendance, one or more urine specimens for testing while they attend a mandatory basic training course or while they are receiving basic retraining. All drug testing conducted during mandatory basic training or basic retraining will comply with the rules and regulations established by the Police Training Commission, as amended, contained in N.J.A.C. 13:1-7.2(A) 19i-xii, which regulations are incorporated herein and adopted as the drug testing regulations of the Jersey City Police Academy trainees.

1.2.2. Individual trainees will also be required to submit a urine specimen for testing when there exists reasonable individualized suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable individualized suspicion only with the approval of the County Prosecutor, Director of Public Safety, Chief of Police or Director of the Police Academy at which the trainee is in attendance.

1.3. Sworn Law Enforcement Officers

1.3.1. Urine specimens shall be ordered from an officer when there exists reasonable individualized 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, Director of Public Safety, Chief of Police or their designee.

1.3.2. Urine specimens shall be ordered from those members who have been randomly selected to submit to an unannounced drug test. Random selection shall be defined as a method of selection in which each and every member of the Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

1.3.3. Urine specimens may also be collected from members during a regularly scheduled and announced medical examination or fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

2. NOTIFICATION OF DRUG TESTING PROCEDURES

2.1. Applicants

2.1.1. All applicants for Law Enforcement positions in the Police Department will 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 test result for illegal drugs 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 New Jersey Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment in New Jersey for a period of two years. 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 subject to termination from employment and permanently barred from future law enforcement employment in New Jersey.

2.2. Trainees

- 2.2.1. All newly appointed temporary law enforcement officers hired under N.J.S.A. 57:68.1 to attend a basic certification course under the Police Training Act and all sworn certified law enforcement officers who are attending a certified Police Training Academy for basic re-training, shall be informed that drug testing is mandatory during basic training and re-training. All such officers shall be informed that a negative result is a condition of employment and that a positive result will result in: a) the officer's dismissal from the training academy and termination from employment; b) inclusion of the officer's name in the Central Drug Registry maintained by the New Jersey Division of State Police; and c) the officer being permanently barred from future law enforcement employment.
- 2.2.2. All such officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from the training academy and from employment and a permanent ban from future law enforcement employment.

2.3. Sworn Law Enforcement Officers / Reasonable Suspicion Testing

- 2.3.1. Individual sworn certified law enforcement officers, regardless of rank or assignment, will be ordered to submit to a drug test whenever there is a reasonable individualized suspicion to believe that the officer is illegally using drugs. All sworn law enforcement officers employed by the Police Department, regardless of rank or assignment, have a basic duty to report to their Unit Commander, the Chief of Police or the Director of Public Safety, any use or suspicion of use of illegal drugs, whether on or off duty, by any sworn law enforcement officer employed by the Jersey City Police Department or any other police agency in New Jersey. Suspicion of use of illegal drugs can be based on either direct observations or on information heard or received from statements of the suspected officer, other officers, civilian employees, or citizens. Subject to applicable disciplinary procedures, sworn officers who knowingly fail to report suspected use of illegal drugs shall be terminated from employment notwithstanding that no other disciplinary history may exist.
- 2.3.2. Before such a member is ordered to submit to a drug test based on reasonable individualized suspicion, the District Commander, the Unit Commander or the Tour Commander shall prepare a written report which documents the facts and observations that form the basis for the reasonable suspicion. A copy of the report shall immediately be forwarded to and reviewed by the Director of Public Safety, Chief of Police or the County Prosecutor or their designee before a reasonable suspicion test may be ordered. However, under emergent circumstances, or when necessary to maintain safety, health, order or effective delivery of police services, approval may be given for a reasonable suspicion test on the basis of a verbal report. That verbal report shall be documented in writing as soon as practical.
- 2.3.3. A negative result on any test for illegal drugs shall be a condition of employment by the Police Department, and a positive test result for illegal drugs shall result in immediate suspension from all duties. Upon final disciplinary action, a) the officer shall be terminated from employment as a law enforcement officer; b) the officer shall be reported to the Central Drug Registry maintained by the New Jersey Division of State Police; and c) the officer being permanently banned from future law enforcement employment in New Jersey.

2.3.4. Any officer who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or who submits an adulterated or tainted urine specimen shall be subject to the same penalties as those officers who test positive for illegal use of drugs. A sworn 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.

2.4. Sworn Law Enforcement Officers / Random Drug Testing

2.4.1. All sworn law enforcement officers, regardless of rank or assignment, shall be subject to and eligible for random unannounced mandatory drug testing for illegal drugs. The testing process will be under the direct supervision of the Internal Affairs Unit.

2.4.2. At a minimum, random drug testing shall be conducted at least twice every calendar year. At least 10 percent of the total number of sworn officers shall be randomly tested each time.

2.4.3. The social security numbers of each sworn officer employed in the Police Department on the day preceding the date on which the random selection is to be conducted shall be assigned an identification number by a random computer selection process whereby the inclusion of each officer eligible for the selection pool can be verified. The randomly assigned identification number shall be randomly matched by computer process with the Social Security number and name of each officer in the selection process. As part of this random selection process a list of alternate members shall be generated simultaneously. In the event a member selected for random testing is not available due to a prior scheduled vacation, compensatory day off, military leave, suspension, sick leave or leave of absence, the alternate list may be utilized to equal the original random total selected. Only those members randomly selected by the computer shall be subject to random testing.

2.4.4. One representative of each of the collective bargaining unit(s) may witness the selection process.

2.4.5. To ensure that the random selection process can be verified and documented, the Internal Affairs Unit shall maintain a record of each selection process. The record for each selection process shall be signed by the person assigned to conduct the selection process and shall be co-signed by a witness and the union representative(s) observing the selection process, if any. All records shall be maintained as confidential records like other Internal Affairs records, pursuant to the Attorney General Guidelines. 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 Procedure and to the full extent as permitted by New Jersey and Federal law.

2.4.6. Urine specimens from those officers selected shall be collected under the supervision of the Internal Affairs Unit in a prompt, efficient and confidential manner, in accordance with the specimen acquisition procedures outlined in this policy, and shall then be processed for testing for illegal drugs.

2.4.7. Any member or employee of the Police Department who discloses the identity of an officer selected for random drug testing or the fact that a random selection for drug testing is scheduled to take place, prior to the collection of urine specimens, shall be subject to discipline, up to and including dismissal.

2.4.8. Any member who refuses to submit to a drug test when randomly selected is subject to the same penalties as those members who test positive for illegal drugs. A sworn 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.

3. SPECIMEN ACQUISITION PROCEDURES FOR APPLICANTS, TRAINEES, AND SWORN OFFICERS

3.1. Preliminary Acquisition Procedures

- 3.1.1. An employee(s) of the Police Department shall be designated to serve as monitor of the actual specimen acquisition process. The monitor shall always be of the same gender as the individual being tested. In the event there is no member of the same gender available from the Police Department, an employee of the same gender from another law enforcement agency may serve as monitor of the process.
- 3.1.2. The monitor of the specimen acquisition process shall be responsible for:
 - 3.1.2.1. Ensuring that all documentation is fully and accurately completed by the individual submitting the urine specimen.
 - 3.1.2.2. To the extent practicable, collecting urine specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen and testing process.
 - 3.1.2.3. Complying with the chain of custody procedures established for the collection of urine specimens and their subsequent submission to the State Toxicology Laboratory for analysis.
- 3.1.3. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a Drug Testing Applicant Notice and Acknowledgement form (Schedule B) consenting to the collection and analysis of their urine for illegal drugs. 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 New Jersey Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment in New Jersey for a period of two years. Applicants shall not be required to complete a Drug Testing Medication Information form (Schedule A) prior to the submission of a specimen. However, applicants can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology laboratory for analysis, the specimen tested positive for a controlled substance. That Drug Testing Medication Information form shall be submitted to the State Toxicology Laboratory after having been placed in a sealed envelope with his/her social security number affixed on the front and his/her initials and date written on the sealed flap of the envelope.
- 3.1.4. Prior to the submission of a urine specimen, a trainee (including a sworn officer being re-trained) enrolled in a basic training course shall execute a Drug Testing Trainee Notice and Acknowledgement form (Schedule C) advising the trainee that a negative result is a condition of employment and that a positive result will result in: a) the trainee being dismissed from the basic training academy; b) the inclusion of the trainee's name in the Central Drug Registry maintained by the New Jersey Division of State Police; c) the trainee being dismissed from employment as a law enforcement officer by his or her appointing authority; and, d) the trainee being permanently barred from future law enforcement employment. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall complete

the Drug Testing Medication Information form (Schedule A) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days, and place it into a sealed envelope with his/her social security number affixed on the front and his/her initials and date written on the sealed flap of the envelope.

- 3.1.5. Prior to the submission of a urine specimen sworn officers shall complete a Drug Testing Medication Information form (Schedule A) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days, and place it into a sealed envelope with his/her social security number affixed on the front and his/her initials and date written on the sealed flap of the envelope.

3.2. SPECIMEN COLLECTION

- 3.2.1. Throughout the test process, the identity of all individuals being tested 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.

- 3.2.2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted that has not been approved by the State Toxicology Laboratory.

- 3.2.3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory as follows:

- 3.2.3.1. The monitor shall require the test subject to complete the Drug Testing Medication Information form (Schedule A). The test subject shall list on this form all prescribed and over the counter medications or drugs she/she has ingested in the past 14 days. After the monitor has inspected the form for accuracy, the test subject shall select two (2) specimen bottles. The test subject shall then complete a specimen label for each bottle provided by using a number 2 pencil. The test subject shall print his/her social security number, the letter "A" designating it as the first sample and the date on the label. The test subject shall print his/her social security number , the letter "B" designating it as the second sample and the date on the label. The subject will then place one label inside each specimen bottle provided with the printed side of the label facing outward, ensuring the label is unobstructed by the temperature strip. The monitor shall check the social security number matches the social security number provided on the submission form. Applicants, trainees and sworn officers shall provide urine samples into the urine specimen collection containers. Each provided container will be filled between the .45 mL and .60 mL levels. This will be accomplished during the production of a single stream of urine. Each test subject shall provide a urine sample into the collection containers without the direct observation of any other test subject or person, except, when necessary, in the presence of the monitor as provided for below in Section 3.2.3.3, or, in the case of individualized reasonable suspicion testing, in the presence of the monitor. After providing/pouring urine into the containers the test subject will NOT flush the toilet and return with the specimens to the monitor. The monitor will inspect each specimen for proper volume and temperature. The test subject shall seal each specimen container by placing it on a solid flat surface and firmly pressing down on the lid until the seal fully engages thus ensuring the integrity of the specimen. The test subject shall then return (1) the completed Drug Testing Medication Information form (trainees and sworn officers only), enclosed in the sealed envelope with his/her social security number affixed on the front and his/her initials

and date written on the sealed flap of the envelope, and (2) the sealed and identified urine specimen collection container(s) to the monitor.

- 3.2.3.2. 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 and the specimen container properly identified and sealed, the monitor shall take possession of the specimen container and ensure that it is delivered to the Supervising Internal Affairs officer who shall ensure that it is delivered to the New Jersey State Toxicology Laboratory for analysis in accordance with chain of custody procedures. The Internal Affairs Unit shall be responsible for ensuring that chain of custody procedures are followed in the collection, storage, and transport of specimens to the State Toxicology Laboratory whenever practicable within one (1) working day of their collection. The Supervising Internal Affairs Unit officer shall secure the urine samples in a controlled access refrigerated storage area until a sample can be delivered to the New Jersey State Toxicology Laboratory.
- 3.2.3.3. Although the monitor is to generally observe the urine collection process, drug test subjects, except for those being tested based on individualized reasonable suspicion, will provide a urine sample without the direct observation by the monitor of the urine stream entering the specimen bottle unless there is reason to believe that the test subject will adulterate the urine specimen or otherwise compromise the integrity of the drug testing process. Under these circumstances, the production of a specimen will be directly observed by the monitor. However, when direct observation is made, the monitor must document the facts underlying the belief that an individual might adulterate a specimen or compromise the integrity of the drug testing process. Drug test urine samples being obtained based on reasonable individualized suspicion shall be taken under the direct observation of the urine stream by the monitor.
- 3.2.3.4. Test subjects that initially are unable to produce a urine specimen shall remain under the observation of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the test subject is under observation, the monitor will allow the subject to drink fluids up to forty (40) ounces distributed reasonably over a period of up to three (3) hours in an attempt to induce the production of a sample. If the test subject remains unable to provide a specimen after a reasonable period of time or refuses to drink fluids, the monitor will have the test subject ordered to be examined by a physician to determine whether the inability to produce a urine specimen was the result of a medical or physical infirmity or did it constitute a refusal to cooperate with the drug testing process. Failure to produce a urine specimen during eight (8) consecutive hours, except if an examining physician has determined a medical or physical infirmity is the cause of that failure, shall constitute refusal to submit to a drug test.
- 3.2.3.5. Possession of urine specimen sample "B" that was taken shall be maintained by the New Jersey State Toxicology Lab for a period of sixty (60) days following the receipt of a positive drug test result from the laboratory.
- 3.2.3.6. In the event a confirmed positive test result is received from the State Toxicology Laboratory, and only after the request of the test subject, the second sample shall be released to a representative of a certified and accredited laboratory in person or be sent to the laboratory by pre-paid tracking mail in accordance with accepted chain of custody procedures. A list of laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to

conduct workplace urine drug testing shall be provided upon request. The test subject will pay all costs associated with the reception and testing of sample "B".

4. SUBMISSION OF SPECIMENS FOR ANALYSIS

- 4.1. At present, the New Jersey State Toxicology Laboratory will constitute the sole facility to be used by the Police Department for the analysis of drug testing. No other facility or laboratory is to be used for purposes of analyzing urine specimens unless so authorized by the Attorney General of the State of New Jersey.
- 4.2. Urine specimens, whenever practicable, are to be submitted to the State Toxicology Laboratory within one (1) working day of their collection. In the event a urine specimen cannot be submitted to the laboratory within one (1) working day of its collection, the urine specimen shall be stored in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- 4.3. Submissions of specimens to the State Toxicology Laboratory will be transported by personnel from the Police Department or commercial courier.
 - 4.3.1. If transported by commercial courier, the following procedural safeguards must be taken:
 - 4.3.1.1. All submissions must be by "next day delivery."
 - 4.3.1.2. In addition to the sealed container, all submissions must be packaged in a manner that includes two (2) additional seals to provide for the integrity of the test specimens.
 - 4.3.1.3. The State Toxicology Laboratory will reject urine specimens that it has reason to believe have been subject to tampering.

5. ANALYSIS OF SPECIMENS

- 5.1. The State Toxicology laboratory will utilize the following test procedures to analyze urine specimens submitted by the Police Department.
 - 5.1.1. All urine specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
 - 5.1.2. Those specimens that test positive for a controlled substance following fluorescence polarization immunoassay analysis shall be subject to a gas chromatography mass spectrophotometer analysis to confirm the presence of controlled substance.
 - 5.1.3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography mass spectrophotometer analysis, a medical review officer at the State Toxicology Laboratory 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 Police Department to obtain further information from the test subject 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 the specimen tested positive.

5.1.4. The approved testing laboratory shall analyze each specimen for the following substances and their metabolites:

- a) Amphetamines
- b) Barbiturates
- c) Benzodiazepine
- d) Cocaine
- e) Marijuana
- f) Methadone
- g) Opiates
- h) Oxycodone/Oxymorphone
- i) Phencyclidine
- j) Other controlled substances such as unlawful steroids, if specifically requested by the Department.

5.1.5. The analysis of each specimen will be done by the approved testing laboratory in accordance with procedures adopted by the approved testing laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

6. DRUG TEST RESULTS

6.1. The State Toxicology Laboratory will notify the Police Department of test results for all specimens submitted for analysis. All efforts will be made to deliver these reports within fifteen (15) working days. Positive test results will be sent to the contact person by certified mail.

6.2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical information questionnaire pertinent to that sample and test subject. It is the responsibility of the Police Department to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination.

6.3. The Police Department shall notify the test subject of the results of a positive test result as soon as practicable after receipt of the report from the State Toxicology Laboratory. Upon request, the test subject will be provided with a copy of the laboratory report.

6.4. Under no circumstances shall the Police Department or an individual test subject be permitted to resubmit a urine specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

7. CONSEQUENCES OF A POSITIVE DRUG TEST RESULT

7.1. When an applicant for a law enforcement position tests positive for illegal drug use he/she shall:

7.1.1. Be removed from consideration for employment; and

7.1.2. Cause the applicant's name to be reported to the Central Drug Registry maintained by the New Jersey Division of State Police; and

- 7.1.3. Preclude the applicant from being considered for any future law enforcement employment in New Jersey for a period of two years, and
- 7.1.4. Where the applicant to the Police Department is currently employed by another police agency as a sworn officer, the officer's current employer will be notified of the positive test result. The officer's current employer is then required to dismiss the officer from employment and report his or her name to the Central Drug Registry maintained by the New Jersey Division of State Police.
- 7.2. When a law enforcement trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission, and, to the extent applicable, disciplinary procedures and regulations.
 - 7.2.1. The trainee shall be immediately dismissed from basic training or re-training and suspended from employment with the Police Department.
 - 7.2.2. The trainee shall be terminated from employment as a law enforcement officer trainee, upon final disciplinary action by the appointing authority.
 - 7.2.3. The trainee shall be reported to the Central Drug Registry maintained by the New Jersey Division of State Police.
 - 7.2.4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- 7.3. When a sworn law enforcement officer tests positive for illegal drug use, and subject to disciplinary procedures and regulations:
 - 7.3.1. The officer shall be immediately suspended from all duties without pay.
 - 7.3.2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority.
 - 7.3.3. The officer shall be reported by his or her employer to the Central Drug Registry maintained by the New Jersey Division of State Police.
 - 7.3.4. The officer shall be permanently barred from future law enforcement employment in New Jersey

8. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- 8.1. Applicants who refuse to submit to a drug test, or who submit an adulterated or tainted urine sample, 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. 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.
- 8.2. Trainees who refuse to submit to a drug test, or who submit an adulterated or tainted urine sample, during basic training or re-training, shall be immediately removed from the academy and immediately suspended from duty. Subject to the disciplinary process, the trainee shall be terminated from employment. The trainee shall also be 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.

8.3. Sworn officers who refuse to submit to a random or reasonable suspicion drug test, or who submit an adulterated or tainted urine sample, shall be immediately suspended from duty. Subject to the disciplinary process, the sworn officer shall be terminated from employment and permanently barred from future law enforcement employment in New Jersey. The Police Department shall forward the officer's name to the Central Drug registry and note that the individual refused to submit to a drug test.

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

9. RECORD KEEPING

9.1. The Internal Affairs Unit of the Jersey City Police Department shall maintain all drug testing records for sworn officers and the Jersey City Police Academy Director or other designee shall maintain drug testing records for applicants and trainees; and those records shall include at least the following:

9.1.1. The identity of those ordered to submit urine samples;

9.1.2. The reason for that order;

9.1.3. The date the urine was collected;

9.1.4. The name of the monitor of the collection process;

9.1.5. The chain of custody of the urine sample from the time it was collected until the time it was received by the approved testing laboratory, including the date transmitted or mailed and when the sample was received by the laboratory;

9.1.6. The condition of the container (box) of urine samples when it arrived at the State Toxicology Laboratory (sealed or opened);

9.1.7. The results of the drug test;

9.1.8. Copies of notifications to the test subject; and

9.1.9. Copies of paperwork related to the initiation of the disciplinary process resulting from any positive result or refusal;

9.2. For random drug testing, the records will also include the following information:

9.2.1. A description of the process used to randomly select officers for drug testing;

9.2.2. The date of each random selection;

9.2.3. A copy of the document listing the identities of those randomly selected for drug testing;

9.2.4. A list of those who were actually tested for illegal drugs;

9.2.5. The date(s) the individuals were tested; and

9.2.6. The Internal Affairs Unit record required to be kept during the random selection process.

9.3. Drug testing records shall be maintained with the level of confidentiality required for Internal Affairs files pursuant to the New Jersey Attorney General's Directive on Internal Affairs Policy and Procedures, and to the full extent as permitted by New Jersey and Federal law.

10. CENTRAL DRUG REGISTRY

10.1. The Police Department shall notify the Central Drug Registry of the identity of applicants, trainees and sworn officers who test positive for illegal use of drugs or who refuse an order to submit a urine sample.

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

10.2.1. Name and address of the Police Department;

10.2.2. Name of individual who tested positive;

10.2.3. Last known address of the individual;

10.2.4. Date of birth;

10.2.5. Social security number;

10.2.6. SBI number (if applicable);

10.2.7. Gender;

10.2.8. Race;

10.2.9. Eye color;

10.2.10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;

10.2.11. Date of the drug test or refusal;

10.2.12. Date of final dismissal or separation from the agency; and

10.2.13. Whether the individual was an applicant, trainee, or sworn officer.

10.3. Notifications to the Central Registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry

P.O. Box 7068
West Trenton, New Jersey 08628-0068

10.4. Information contained in the Central Registry will be released by the Division of State Police only under the following circumstances:

10.4.1. In response to an inquiry from a law enforcement agency concerning an application for law enforcement employment; and

10.4.2. In response to a Court Order.

11. FORMS

11.1. The following forms are hereby adopted to be used, when applicable, by the Police Department in drug testing and in initial disciplinary procedures:

11.1.1. Schedule A - Medical Information Questionnaire (For use by trainees and sworn officers, applicants if necessary)

11.1.2. Schedule B - Drug Testing Applicant Notice and Acknowledgment

11.1.3. Schedule C - Drug Testing Trainee Notice and Acknowledgment

11.1.4. Schedule D - Drug Testing Officer Notice and Acknowledgment

11.1.5. Schedule E - Drug Specimen Acquisition Checklist (Test monitor procedures)

12. All members of the Department will take cognizance of the foregoing and be guided accordingly.

BY ORDER OF:



**MICHAEL J KELLY
CHIEF OF POLICE**

**JERSEY CITY POLICE DEPARTMENT
SCHEDULE A
DRUG TESTING MEDICATION INFORMATION**

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

Circle all that apply:

A. During the past 14 days I have taken the following medication(s) prescribed to me by a physician:

	Name of Medication	Prescribing Physician	Date last taken
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

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

	Non-prescription Medication	Date Last Taken
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Social Security Number & Initials

Date

Signature of Witness

Date

JERSEY CITY POLICE DEPARTMENT
SCHEDULE B
DRUG TESTING
APPLICANT NOTICE AND ACKNOWLEDGMENT

I, _____ understand that as part of the pre-employment process, the Jersey City Police Department will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis.

I understand that a negative drug test result is a condition of employment.

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

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

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

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

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

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

Signature of Applicant / Date

Signature of Witness / Date

JERSEY CITY POLICE DEPARTMENT
SCHEDULE C
DRUG TESTING
TRAINEE NOTICE AND ACKNOWLEDGMENT

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 drug test 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 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 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 Applicant / Date

Signature of Witness / Date

JERSEY CITY POLICE DEPARTMENT
SCHEDULE D
DRUG TESTING
OFFICER NOTICE AND ACKNOWLEDGEMENT

I, _____ understand that as part of my employment with the City of Jersey City, I am required to undergo unannounced drug testing by uranalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition for my continued employment as a sworn officer of the Jersey City Police Department.

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

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

I understand that if I produce a positive test result for illegal drug use or refuse to take the test that information will be forwarded to the Central Drug Registry, maintained by the New Jersey Division of State Police. Information from that registry will be made available by court order or as part of a confidential investigation related to any prospective law enforcement employment.

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

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

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

Officer's Signature

Date

Witness Signature

Date

DRUG SPECIMEN ACQUISITION CHECKLIST
SCHEDULE E

SPECIMEN NUMBER (SS#)

DATE

SUBJECT NAME

The monitor must complete and sign the Acquisition checklist for each subject tested. The checklist will be maintained as part of the drug screening record keeping system. These records shall be maintained with the level of confidentiality required for the Internal Affairs files.

1. At no time will the name of the subject appear on any form or specimen container sent to the New Jersey State Toxicology Laboratory. Individual specimens will be identified throughout the process by the use of the subject's social security number. _____
2. The official monitor shall always be of the same sex as the subject being tested. _____
3. The urine sample has been ordered based on:
 - A. Reasonable Suspicion _____
 - B. Random Drug Screening _____
 - C. Trainee _____
 - D. Applicant _____

If the test is based upon reasonable suspicion, documentation must be provided and the Hudson County Prosecutor, Chief of Police or appropriate designee, must authorize the test. _____

4. The monitor shall take reasonable steps to ensure the testing procedure is not compromised by the introduction of a contaminant or other action of the subject. _____
5. The monitor shall require the test subject to complete the DRUG TESTING MEDICATION FORM. _____
6. The subject shall be provided with two (2) sealed bags, each containing a urine specimen container, approved and supplied by the New Jersey State Toxicology Laboratory. _____

MONITOR SIGNATURE

DRUG SPECIMEN ACQUISITION CHECKLIST

SPECIMEN NUMBER (SS#)

DATE

SUBJECT NAME

7. The subject shall complete a specimen label for each bottle by using a number 2 pencil. The subject shall print his/her Social Security number on the first line of the label and the date on the second line. The subject shall then place the label (printed side facing out) inside each specimen bottle, ensuring label is unobstructed by the thermometer strip. _____

8. The subject shall void urine into two (2) separate specimen bottles, filling each bottle to at least the .45ml level during the production of a single stream or urine. The subject shall then seal the bottles by placing it on a solid surface and firmly pressing down on the lid until the seal engages, thus ensuring the integrity of the specimen. _____

9. The subject shall present the sealed specimen bottles to the monitor. _____

10. The monitor shall check the temperature control strips to determine if the temperatures of the specimen samples are acceptable. _____

11. The monitor shall record the time the specimens were received and enter time here. _____

12. The monitor shall ensure the subject submitting the specimen fully and accurately completes all documentation (i.e. specimen labels, DRUG TESTING MEDICATION FORM). _____

13. The monitor shall be responsible to ensure the chain of custody procedures are followed, including the collection and storage of the urine specimens in a controlled access refrigeration storage area. The monitor will present all required documents to the Internal Affairs Supervisor for recording. _____

MONITOR SIGNATURE