


ROSELLE PARK POLICE DEPARTMENT					
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BY THE ORDER OF: <i>Dominick Frino</i> DOMINICK FRINO CHIEF OF POLICE		6/1/2024	ALL		
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WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of the directive will only form the basis for departmental sanctions.

PURPOSE: The procedures contained herein shall be in accordance with the New Jersey Attorney General’s Law Enforcement Drug Testing Policy, revised February 2023, and New Jersey Attorney General’s Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees regarding the agency’s drug testing policy.

The purpose of this policy is to deter illegal drug use, including unregulated marijuana, by law enforcement officers. The policy provides a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and

responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive shall be terminated from employment.

POLICY: It shall be the policy of the Roselle Park Police Department to conduct reasonable suspicion and random drug testing of applicable employees contained in Section I of this policy

PROCEDURES:

I. APPLICABILITY

A. Personnel:

1. Applicants for a full-time sworn law enforcement position with the Roselle Park Police Department (hereinafter "RPPD").
2. RPPD law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
3. Sworn law enforcement members, and special officers of the RPPD.
4. The Law Enforcement Drug Testing Policy does not apply to non-sworn/civilian employees of the RPPD.

B. Employment Status:

1. Law Enforcement Applicant Testing

- a. All applicants for a full-time sworn law enforcement or special officer position with the RPPD shall be required to submit to a drug test as a component of a pre-employment background investigation. Applicants may be tested multiple times if a significant amount of time has elapsed between the background investigation and the date of hire. Prospective employees will be drug tested as a condition of employment. A negative drug test result is a condition of employment.

2. Law Enforcement Trainee Testing.

- a. Individuals hired as law enforcement officers of the RPPD who are Required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at the police academy. Trainees will be required to submit one or more urine specimens for drug testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will be conducted by the police academy staff under the rules and regulations adopted by the Police Training Commission. Individual trainees will also be required to submit a urine specimen for drug testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training

hours. A trainee shall be ordered to submit to a drug test based on unreasonable suspicion only with the approval of the County Prosecutor/Acting Prosecutor or their designee, or the police academy director.

3. Sworn Law Enforcement Officer Testing

a. Sworn law enforcement officers and special officers of the RPPD shall be ordered to submit a urine specimen for drug testing when they 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 law enforcement member of the RPPD, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

b. Sworn law enforcement officers and special officers of the RPPD shall also be required to submit a urine specimen for drug testing when there exists reasonable suspicion to believe that the member is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. A law enforcement member shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor/Acting Prosecutor, or their designee.

c. Urine specimens may also be collected from sworn law enforcement and special officers during a fitness for duty examination.

C. Types of Testing:

1. Random Testing

a. Random drug testing of all RPPD sworn law enforcement officers is required under Attorney General Directive 2018-02. "Random selection" is defined as a method of selecting employees for drug testing in which every law enforcement member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made; except for those described in section C (1)(d) of this policy. Random drug testing will be conducted twice each calendar year and each test will include 10% of the total law enforcement personnel, including detectives, superior officers, and special officers.

b. To take the appearance of intra-agency bias out of the equation, the RPPD shall utilize a program that will provide a random selection service. When utilized, the program will randomly select a designated number of officers from the department roster of law enforcement and special officers to be tested. The Internal Affairs unit supervisor shall manage the RPPD employee selection pool, and ensure the selection pool list is up to date, by adding and/or deleting employees as necessary due to new hires, retirements, resignations, termination, and long term absence.

c. The random selection process will be verified and documented. RPPD will permit representatives of the affected collective bargaining units to witness the initial random drug testing process. All persons present for the random selection process are required to maintain the strict confidentiality of the process. Anyone 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, will be subject to discipline.

d. When a random test date has been determined, should an officer on the roster be unavailable and/or unaccessible for a period longer than three consecutive tours of duty, they're name is to be omitted from the selection pool by the Internal Affairs unit supervisor.

2. Reasonable Suspicion

a. RPPD must undertake drug testing when there is reasonable suspicion to believe a sworn law enforcement or special officer is engaged in the illegal use of drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours.

b. Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."

c. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:

- 1) The nature and source of the information;
- 2) Whether the information constitutes direct evidence or is hearsay in nature;
- 3) The reliability of the informant or source;
- 4) Whether corroborating information exists and the degree to which it corroborates the accusation; and
- 5) Whether and to what extent the information may be stale.

d. Reasonable Suspicion Testing for Cannabis - Use Consuming or being under the influence of cannabis while at work or during work/training hours is strictly prohibited. Officers/Trainee shall be tested for cannabis in the following situations:

- 1) Upon reasonable suspicion of the officer's/trainee's use of a cannabis item while engaged in the performance of the officer's/trainee's duties, or
- 2) Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's/trainee's duties.
- 3) In the above situations, the drug test shall include a physical evaluation by a Workplace Impairment Recognition Expert (WIRE) to determine the officer's/trainee's state of impairment and a urinalysis; when applicable.

e. Before an employee may be ordered to submit to a drug test based on reasonable suspicion, a written report shall be prepared documenting the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or Acting Prosecutor before a drug test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report, followed by a written report at a later time.

D. Miscellaneous:

1. The RPPD has established its random drug testing and reasonable suspicion programs by way of the rules and regulations and policy of the sworn law enforcement personnel, and special officers of RPPD.

II. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants:

1. Applicants for the position of police officer or special officer within the RPPD shall be notified that the pre-employment process will include drug testing. The notification will also indicate that a negative result for any and all prohibited drugs 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 to be reported to the N.J. State Police Central Drug Registry; 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 LEO, or special officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results.

B. Trainees:

1. All newly appointed RPPD law enforcement officers shall be informed that drug testing is mandatory during basic training.
2. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive test will result in the following action:
 - a. The trainee will be dismissed from basic training;
 - b. The trainee will be terminated from employment with the RPPD
 - c. Inclusion of the trainee's name to the NJ State Police Drug Registry; and
 - d. The trainee will be permanently barred from future law enforcement employment in NJ.

C. Sworn Law Enforcement and special officers of the RPPD:

1. Sworn law enforcement and special officers will be ordered to submit to a drug test either when there is a reasonable suspicion to believe that the officer is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours or when subject to mandatory random drug testing pursuant to AG Directive 2018-

2. A negative result is a condition of employment as a sworn law enforcement or special officer. A positive test will result in:

- a) The officer's termination from employment;
- b) Inclusion of the officer's name in the New Jersey State Police Central Drug Registry; and
- c) The officer being permanently barred from future law enforcement employment in N.J.

3. RPPD's rules and regulations or appropriate standard operating procedures shall further provide that officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

III. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary Acquisition Procedures:

1. Sworn law enforcement employees will be designated as monitors of the urine specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). If in the event there is no member of the same gender available that has been previously designated as a monitor, RPPD will have the discretion to temporarily appoint another sworn law enforcement officer from RPPD to monitor the testing.

2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section II-A of this policy. 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 (Attachment D) shall be used if a conditional offer of employment has been made to the applicant.

3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a "Drug Testing Trainee Notice and Acknowledgement" form (Attachment B). The form shall advise the trainee that a negative result is a condition of employment and that a positive test will result in the consequences outlined in Section II-B of this policy. The form shall also advise the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information Form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

4. Prior to the submission of a urine specimen, a sworn law enforcement officer shall execute a "Drug Testing Officer Notice and Acknowledgement" form (Attachment C). The form shall advise the officer that a negative result is a condition of employment and that a positive test will result in the consequences outlined in Section II-C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

B. Monitor's Responsibilities:

1. The monitor(s) of the specimen acquisition process shall be responsible for:

- a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor);
- b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual

specimens and forms shall be identified throughout the process by the use of unique donor identification numbers. At no time shall a name appear on any form or specimen container sent to the N.J. State Toxicology Laboratory (hereinafter "NJSTL");

c. Complying with chain of custody procedures established by the NJSTL for submission and analysis of urine specimens;

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

e. Collecting and submitting urine specimens in accordance with procedures established by the NJSTL.

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

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

b. Add tinting agents to toilet water and secure the area where the urine specimens are to be collected prior to specimen collection.

3. If the monitor has a reason to believe that an individual donor will attempt to adulterate or contaminate a urine specimen, substitute another substance or liquid for their urine specimen, or otherwise compromise the integrity of the test process, the monitor may conduct a direct observation of the individual donor. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the donor will attempt to compromise the integrity of the test process before there can be direct observation.

C. Urine Specimen Collection Procedure

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

2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
 - a. The specimen containers shall be kept closed/unsealed at this time.
 - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
 - a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the "Yes" or "No" box in the specimen collection section of 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.
 - b. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (See Section D, "Shy Bladder" Procedure).
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
 - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
 - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.

8. The monitor instructs the donor to seal the specimen containers with tamper- evidence seals from the CSF.

a. 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 with the greater volume of urine (30 mL).

b. 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 with the lesser volume of urine (15 mL).

c. 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.

9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.

10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.

11. 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, if provided.

12. 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 slit opening.

13. Any remaining urine and the specimen collection container may be discarded.

14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section IV. Submission of Specimens for Analysis below).

D. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:

- a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a urine specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a urine specimen after a reasonable period of time, the monitor may have the donor 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.

E. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
 - a. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. 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.

5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

IV. SUBMISSION OF SPECIMENS FOR ANALYSIS

A. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

B. Urine specimens should be submitted to the Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the Laboratory within one working day of collection, the RPPD shall store the specimens in a controlled access refrigerated storage area until submission to the Laboratory (Attachment E).

C. Specimens may be submitted to the Laboratory by commercial courier using "next day delivery" or in person (**appointments only**).

D. The Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.

E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the Laboratory shall inspect each specimen for damage and evidence of tampering.

1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and

2. Notify the submitting agency in writing with the reason for rejection clearly stated.

V. ANALYSIS OF SPECIMENS

A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the NJSTL. These procedures shall include, but not be limited to, security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels, and the issuance of test reports.

B. The NJSTL's drug testing procedures will screen specimens for the following controlled substances:

1. Amphetamines;
2. Barbiturates;
3. Benzodiazepine;
4. Cocaine;
5. Methadone;
6. Opiates;
7. Oxycodone/Oxymorphone;
8. Phencyclidine;
9. 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 section.

C. The NJSTL utilizes a two-stage procedure to analyze urine specimens:

1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the eight substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second stage with a more specific type of testing.
2. In the second stage, specimens will be tested by employing mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.

D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the NJSTL will review the test results together with the Medication Information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical

information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the Medication Information form.

E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the RPPD, following notification from the NJSTL, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the RPPD is responsible for transmitting the form to the NJSTL. A review of the form will be conducted by the medical review officer as outlined above.

F. In addition to the testing outlined above, urine specimens submitted to the NJSTL may be tested for additional substances at the request of the RPPD. The NJSTL has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

G. Medication or Prescribed Drugs

1. If an employee takes an over-the-counter medication or prescription drug, they must first consult their medical professional to determine whether this prescription will have any adverse effect on their personal safety or job performance. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or citizen, the employee must inform his/her supervisor. Every effort will be made to adjust the worker's duty until full, effective and safe work activities can be resumed. If alternative duties are not available, the RPPD may request the employee to take sick leave. Failure or refusal by an employee to properly inform their supervisor may result in discipline, up to and including termination.

H. Medical Marijuana

1. Medical marijuana is a prescriptive medication subject to section G above. Medical marijuana is only authorized for a "debilitating medical condition" as defined in section 3 (1)-(5) of the New Jersey Compassionate Medical Marijuana Act, 2010, Ch. 2009-307.

VI. DRUG TEST RESULTS

A. The NJSTL will provide written test results for every urine specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on

the specimen submission record. Positive test results will be sent to the contact person by certified mail.

B. In some cases, the NJSTL will report that a specimen tested positive for a particular substance and that the information on the Medication Information form explains the test result. For example, the NJSTL may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the donor. At that point, it is the responsibility of the RPPD to determine whether the donor had a valid prescription for that drug. A donor who does not have a valid prescription is subject to disciplinary action including termination by the RPPD.

C. Under no circumstances will the NJSTL provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the NJSTL to conduct a second analysis of a specimen that has already been analyzed.

VII. CONSEQUENCES OF A POSITIVE TEST RESULT

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

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

B. When a **trainee** tests positive for illegal drug use or is found to have been consuming or being under the influence of cannabis or marijuana while at work/training or during work/training hours, subject to rules adopted by the Police Training Commission:

1. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by the RPPD.

2. Upon final disciplinary action by the RPPD, the trainee shall be terminated from employment as a law enforcement officer.

3. The trainee shall be reported by the RPPD to the New Jersey State Police Central Drug Registry.

4. The trainee shall be permanently barred from future law enforcement employment in N.J.

C. When a **sworn law enforcement or special officer** tests positive for illegal drug use or is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours:

1. The officer shall be immediately suspended from all duties.

2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.

3. The officer shall be reported by the RPPD to the N.J. State Police Central Drug Registry.

4. The officer shall be permanently barred from future law enforcement employment in N.J.

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

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

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

C. Sworn law enforcement and special 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 urine sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the RPPD shall forward the officer's name to the New Jersey State Police Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, 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.

IX. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

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

X. RECORD KEEPING

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

B. The RPPD's drug testing records shall include but not be limited to:

1. For all drug testing:

- a. the identity of those ordered to submit urine samples;
- b. the reason for that order;
- c. the date the urine was collected;
- d. the monitor of the collection process;
- e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;

- f. the results of the drug testing;
- g. copies of notifications to the subject;
- h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
- i. for any positive result or refusal, appropriate documentation of disciplinary action

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

- a. a description of the process used to randomly select officers for drug testing;
- b. the date selection was made;
- c. a copy of the document listing the identities of those selected for drug testing;
- d. a list of those who were actually tested; and e. the date(s) those officers were tested.

C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XI. CENTRAL DRUG REGISTRY

A. The RPPD shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, (hired by RPPD only) sworn law enforcement and special officers who test positive for the illegal use of drugs; are found to have been consuming or being under the influence of cannabis while at work/training or during work/training hours; or refuse an order to submit to a drug test (Attachment F).

B. A sworn law enforcement or special officer who tests positive for illegal drug use; is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours; 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 RPPD to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

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

1. name and address of the submitting agency, and contact person;
2. name of the individual who tested positive;
3. last known address of the individual;
4. date of birth;
5. social security number;
6. SBI number (if known);
7. gender;
8. race;
9. eye color;
10. Substance the individual tested positive for, the circumstances of the officer being found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours, or circumstances of the refusal to submit a urine sample;
11. date of the drug test or refusal;
12. date of final dismissal or separation from RPPD; and
13. whether the individual was an applicant, trainee, sworn law enforcement or special officer.

D. The certification section of the notification form must be completed by the Chief of Police and notarized with a raised seal.

E. 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**

F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
2. In response to a court order.

XII. NOTIFICATION TO COUNTY PROSECUTOR

A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, the RPPD shall report the discipline to the County Prosecutor or designee.

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

XIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

A. The RPPD Drug Testing General order shall be made available to the public upon request and shall be posted on the agency website.

B. All written reports created or submitted pursuant to this general order that identify specific officers are strictly confidential and not subject to public disclosure.

Closing

All police procedures heretofore employed by this department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Roselle Park Police Department are required to follow this order as applicable. Violations of this order subject members of this department to disciplinary action.



ATTACHMENT A
DRUG TESTING
APPLICANT NOTICE AND ACKNOWLEDGMENT

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

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment. I understand that if I refuse to undergo the testing, I will be rejected from employment.

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

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

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

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

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

Signature of Applicant

Date

Signature of Witness

Date



ATTACHMENT B
DRUG TESTING
TRAINEE NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of the program of training at the _____, I will undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs or am under the influence of a controlled dangerous substance or cannabis during work/training hours.

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

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

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

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

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

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

Signature of Trainee Date

Signature of Witness Date



ATTACHMENT C
DRUG TESTING
OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with the Roselle Park Police Department, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs or am under the influence of a controlled dangerous substance or cannabis during work hours.

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

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

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

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

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

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

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

Signature of Officer Date

Signature of Witness Date



ATTACHMENT D
DRUG TESTING MEDICATION INFORMATION

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

Check all that apply:

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

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Name of Medication	Date Last Taken
1		
2		
3		

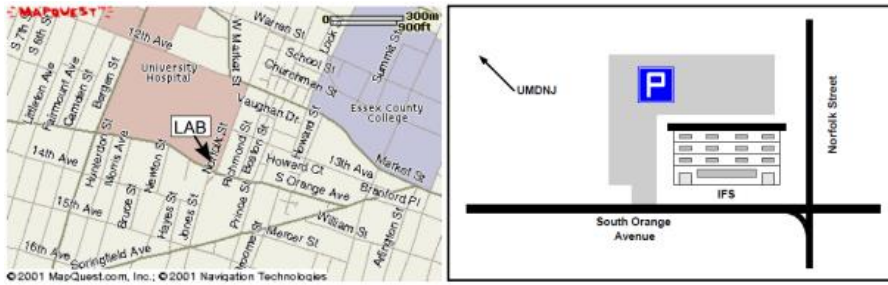
___ C. During the past 14 days, I have taken NO prescription or non-prescription Medications.

_____ Donor ID and Initials

_____ Date

ATTACHMENT E

Directions to



State Toxicology Laboratory
Edwin H. Albano Institute of Forensic Science (IFS)
325 Norfolk Street
Newark, New Jersey
973-648-3915

From Garden State Parkway North:

1. Take Exit 144, South Orange Avenue.
2. Make a right on South Orange Avenue.
3. Continue about 25 blocks to intersection at Bergen Street (UMDNJ campus is on left.)
4. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From Garden State Parkway South:

1. Take Exit 145, East Orange.
2. Take 1-280 East to first exit (Newark).
3. Make a right on First Street. This becomes Bergen Street.
4. Continue to fifth traffic light at South Orange Avenue.
5. Make a left.
6. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From New Jersey Turnpike North:

1. Take Exit 14, Newark.
2. After toll plaza, take 1-78 West (express or local).
3. Take Exit 56, Hillside Avenue.
4. Continue on Hillside Avenue to end at Avon Avenue.
5. Make left on Avon Avenue.
6. Continue one block to traffic light on Irvine Turner Blvd.
7. Make right on Irvine Turner Blvd. (which becomes Jones St.) and continue to traffic light at South Orange Avenue.
8. Turn left and enter first driveway on right behind two story brick building (IFS).

From New Jersey Turnpike South:

1. Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.
2. At the traffic light, make a left.
3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
4. Turn right and enter first driveway on right behind two story brick building (IFS).

