

**MONMOUTH COUNTY SHERIFF'S OFFICE
LAW ENFORCEMENT DIVISION
GENERAL ORDER 96-4**



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| SUBJECT: SUBSTANCE ABUSE | |
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PURPOSE: The Monmouth County Sheriff's Office recognizes the problem of substance abuse, and the profound effects it has on our society. In order to make our work environment safer, the Monmouth County Sheriff's Office has established a Substance Abuse Policy which will require that applicants, trainees, employees and members submit to drug screening in the following circumstances.

POLICY: The policy of the Monmouth County Sheriff's Office is to deter substance abuse, detect and address substance abuse problems as quickly as possible, provide help where possible, and encourage employees who are abusing drugs to seek assistance voluntarily. Moreover, this policy shall ensure that the citizens, inmates and officers are provided protection, security and safety by members or employees whose integrity and competence is beyond question. This policy is based on the Attorney General's Guidelines for Drug Testing of Law Enforcement Officers in the State of New Jersey and the Monmouth County Uniform Policy for Drug Testing of Law Enforcement Personnel.

DEFINITIONS:

- A. Applicant.** A person who applies for a position with the Monmouth County Sheriff's Office, who, if appointed, will be responsible for the enforcement of criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.
- B. Central Drug Registry.** Statewide data base that is maintained by the New Jersey State Police in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances delineated in this Directive, or the corresponding AG Directive, are to be reported and recorded.
- C. Employee.** Civilian personnel of the office with no law enforcement powers.

- D. **Member.** Sworn personnel of the office with law enforcement powers.
- E. **Post-Accident Testing.** If a permanently appointed employee or member who performs safety sensitive functions is involved in an accident, resulting in loss of life or causes any of the involved persons to seek immediate medical treatment, they shall be required to undergo drug screening.
- F. **Safety Sensitive Functions.** Employees or members who have direct contact with inmates (adult or juvenile), operate any motorized vehicle(s) or heavy machinery when performing their duties, operate any police computer or 911 security system, enter upon private property or dwellings or businesses in performing their duties, carry or work with explosives of any nature and are responsible for the maintenance or administration of controlled substances. Such employees are considered “safety sensitive” and are subject to drug testing as indicated in this policy. The list of safety-sensitive employees and members is subject to change upon the Sheriff’s discretion and posting of additional employees or positions subject to testing.
- G. **Sworn Officer.** Persons who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
- H. **Trainee.** A person who is employed by the agency and is subject to the Police Training Act while they attend a mandatory basic training course.

APPLICABILITY:

- A. The Monmouth County Sheriff’s Office considers drug and alcohol screening of its applicants, trainees, employees and members to be a necessary condition of continued employment with the Office and will consider continuation of work to be an assent to this condition of employment.
- B. Reporting to work or for the performance of Sheriff’s Office business, or otherwise being on County property under the influence of drugs or alcohol is prohibited as is the use, possession, distribution, manufacture, sale or purchase of drugs or alcohol while at work or on County premises, or while on official County business.
- C. The Monmouth County Sheriff’s Office may conduct searches without further notice and without reasonable suspicion for illegal drugs or alcohol on County property.
- D. In accordance with the Attorney General’s Law Enforcement Drug Testing Policy, random drug testing shall be required for all sworn personnel. Further, drug testing of individual officers, trainees and employees shall occur when there is reasonable suspicion to believe that the officer, trainee or employee is illegally using drugs.

PROCEDURES:

A. Applicant Testing

1. **Pre-Employment Drug Screening.** Given the Monmouth County Sheriff's Office concern for drug or alcohol use interfering with safety within the workplace and public with whom the Office has contact. All offers of employment for safety sensitive functions will be conditioned on the applicant's ability to pass a drug screening prior to being granted full employment status. Failure to pass a drug screening will result in withdrawal of a conditional offer of employment. Results of previous failed drug screenings may be considered in subsequent job applications.
2. All applicants will be notified of the Monmouth County Sheriff's Office substance abuse policy, and the mandatory drug screening at the time they complete their employment application.
3. In accordance with the Attorney General's Law Enforcement Drug Testing Policy, each applicant for a sworn position will receive an "Acknowledgment and Consent" (Appendix A) at the time they complete an employment application.
4. Refusal to sign the consent or provide a specimen for testing will be regarded as failing to complete the application process and thereby rendering the applicant unqualified for employment with the Monmouth County Sheriff's Office.
5. Drug Testing is required as part of the screening process of applicants for sworn law enforcement positions with this agency. The testing may occur at any point during the pre-employment process.
6. Applicants for employment may be tested as many times as the agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
7. During the pre-employment process, in compliance with the American with Disabilities Act (ADA), the agency shall refrain from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

B. Trainee Testing

1. **Random Testing.** Trainees are required to submit one or more urine specimens for 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 (PTC).

2. **Reasonable Suspicion.** Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Sheriff, the Academy Director, or the County Prosecutor.

C. Sworn Law Enforcement Officer Testing

1. Sworn law enforcement officers shall be ordered to submit a urine specimen for 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 member of the agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
2. Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Sheriff or the County Prosecutor.

D. Notification of Drug Testing Procedures

1. **Applicants.** As part of the selection process, the agency will notify applicants in writing that drug testing is part of the screening process and that a negative test is a condition of employment. Applicants will be advised that a positive test result or a refusal to submit a sample will result in the applicant being dropped from consideration for employment. Additionally, the applicants for sworn positions will be advised in writing as to the ramifications of a positive test result or a refusal to submit a sample, which are:
 - a. Applicant being dropped from consideration for employment;
 - b. Cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police;
 - c. Preclude the applicant from being considered for future law enforcement employment in New Jersey for a period of two (2) years from the date of the drug test.
2. Additionally, the notification shall indicate that if the applicant is already a sworn law enforcement officer with another agency and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement in New Jersey.

3. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.
4. **Trainee.** All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. Trainee being dismissed from basic training;
 - b. The trainee's termination from employment;
 - c. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
 - d. The trainee being permanently barred from future law enforcement employment in New Jersey.
5. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the central drug registry maintained by the Division of State Police.

E. Member and Employee Reasonable Suspicion Testing. Members and employees will be required to submit to drug and alcohol screening when there is a reasonable suspicion that the member or employee is engaged in the illegal use of controlled substances. 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.

1. **Required Documentation.** Before a member or employee may be ordered to submit to a drug test based on reasonable suspicion, a written report that documents the basis for the reasonable suspicion shall be prepared by the Supervisor who made the observations leading to the reasonable suspicion testing. The Sheriff shall review the report before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
2. **Negative Test Result Required for Employment.** A negative result is a condition of employment, as delineated in the Monmouth County Sheriff's Office Rules and Regulations and General Orders.
3. **Members and employees** tested under reasonable suspicion circumstances will be suspended with pay pending the test results. If the test results are negative, the member will be reinstated with full pay and entitlements. If the results are positive, the member will be subject to dismissal.

4. **Sworn Personnel Positive Test Results or Refusal to Submit.** If a sworn officer produces a positive result from a drug test or refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the member shall be:
 - a. Terminated from employment;
 - b. Included in the Central Drug Registry maintained by the Division of the State Police; and
 - c. Permanently barred from future law enforcement employment in New Jersey.
5. Any sworn officer who refuses to submit to a drug test based on reasonable suspicion is subject to the same penalties as those officers who test positive for the illegal use of drugs.
6. 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.
7. **Employee Refusal to Submit or Positive Test Results.** If a non-sworn employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or produces a positive result from a drug test, the employee will be terminated from employment.

F. Post-Accident Testing. The Monmouth County Sheriff's Office will require all trainees, employees or members, while on duty, who are involved in an accident to immediately report the accident to their Supervisor. If the accident resulted in either the loss of human life or caused any of those involved to seek immediate medical treatment, then the trainee, employee or member will be subject to testing.

1. An individual subject to post-accident testing is to remain readily available at the accident site or close thereby for such testing and shall not consume any alcohol or substances prohibited by this Policy.
 - a. Failure to remain readily available for testing shall be considered a refusal and a violation of this Policy.
 - b. Refusal to provide an appropriate sample, failing the test, or testing misconduct will subject the individual to discipline up to and including dismissal. Testing misconduct includes but is not limited to, the ingestion of any substance which would interfere with the drug screening.
 - c. Nothing in this policy shall require delay of medical attention for injured person(s) following an accident or to prohibit an individual from leaving the scene for their own medical attention, to obtain assistance, to respond to

the accident, or to comply with specific accident scene requests of law enforcement officials.

2. Drug and alcohol screening shall be administered no later than eight (8) hours following the accident.
3. Drug and alcohol screening tests conducted by federal, state or local authorities having independent authority for the testing shall be considered to meet the requirements of this Policy provided that the testing complies with this Policy's requirements and the results are released to the County.

G. Random CDS Testing for Sworn Law Enforcement Officers.

1. **Eligibility for Drug Testing.** All sworn members of the agency are eligible for random drug testing, regardless of rank or assignment. The method of random selection utilized ensures that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place. Officers who are on extended sick/injury leave and trainees in the police academy will be excluded from the agency random selection. (NOTE: Such reason for such exclusions shall be documented. Trainees are subject to the academy's drug screening process.)
2. **Frequency/numbers to be tested.** Random drug testing shall occur minimally bi-annually with a minimum of ten percent (10%) of total sworn officers tested during each selection process.
3. **Monitoring the Selection Process.** The designated Supervisor(s), the rank of Lieutenant or above and a member of the Collective Bargaining Units shall be present for the selection process.
4. **Confidentiality of those to be tested.** Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.
5. **Random Selection System.** The names of all sworn personnel shall be placed in a pool from which a random selection will be made. An officer shall be selected by a computer based random number generator with neutral criteria which ensures that every individual in the pool has an equal statistical chance of being selected and shall remain in the pool even after being tested. Therefore, it is possible for some individuals to be tested several or no times in any given year. Each officer's social security number shall be used to identify the officer in the selection process. A Monmouth County Sheriff's Office Drug Testing Random Number Selection Form shall be completed for each random selection testing (Appendix A). The completed form will maintained in accordance with this policy by the Internal Affairs Unit.

6. Trainees, employees and members shall report evidence of suspected drug use by other trainees, employees and members to their immediate supervisor.
7. **System of Collection of Urine Specimens.** Urine collection shall be performed by agency personnel designated by the Commander of Law Enforcement Division or their designee. Selected officers shall have urine specimen collected in a prompt, efficient and confidential manner.
8. **Refusal to Participate in Random CDS Testing.** Any sworn officer who refuses to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for illegal drug use.

H. Specimen Acquisition Procedures

1. Preliminary Acquisition Procedures

- a. The Commander of the Law Enforcement Division or their designee shall designate a member of the agency to serve as a monitor of the specimen acquisition process. The monitor shall always be the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the agency, a member of the same sex from another division or law enforcement agency may be requested to serve as monitor of the process.
- b. 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 (Appendix B). 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 V.D.1 of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
- c. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Appendix C) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section V.D.4 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 (Appendix D) listing all prescription medication 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.
- d. Prior to the submission of a urine specimen, an officer shall execute a form (Appendix C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section V.E.5 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 the Drug Testing Medication Information Form (Appendix 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.

I. Monitor's Responsibilities

1. The monitor of the specimen acquisition process shall be responsible for the following:
 - 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 social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of the Internal Affairs Unit to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
 - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology Laboratory.
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 specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.

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

J. 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 allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit content on a clean surface.
4. Using an ordinary pencil, the donor writes his/her Social Security Number (SSN) and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
 - a. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine. (See Section "Shy Bladder" Procedure below)
8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90 degrees and 100 degrees Fahrenheit indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "Yes/No" column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. 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.

9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation. The monitor will transfer custody of the specimens and documentation to designated Property and Evidence Control Officer(s), immediately following the collection of all specimens. The designated Property and Evidence Control Officer(s) shall ensure that all specimens, including secondary specimens, are delivered to the New Jersey State Toxicology Laboratory in a timely manner and in accordance with this policy.

K. “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 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 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.

L. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test from the laboratory by the submitting agency.
3. The second specimen will be released by the New Jersey State Toxicology Laboratory under the following circumstances:

- a. This agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. This agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. This agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the New Jersey State Toxicology Laboratory, a laboratory that is 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, and pay all costs associated with the reception and testing of the sample.
 - a. The State Toxicology Laboratory maintains an up-to-date list of SAMHSA and CAP certified laboratories and will furnish that list upon request.
5. 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 laboratory by pre-paid tracking mail also following accepted chain of custody-procedures.
6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

M. Submission of Specimens for Analysis

1. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Attorney General's 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.
2. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the Property and Evidence Control Officer(s) shall store the specimen in the designated refrigerated storage area in the Property and Evidence Room until submission to the State Toxicology Laboratory.
3. Submissions of specimens to the State Toxicology Laboratory shall be accomplished by assigned Property and Evidence Control Officer(s).
4. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed

envelope containing the Medication Information Form. The State Toxicology 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.

5. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
 - a. The laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - b. Notify the submitting agency in writing with the reason for rejection clearly stated.

N. Analysis of Specimens

1. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. 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. In addition to the controlled substances listed below, the Sheriff or their designee may request that specimens be analyzed for the presence of steroids.
2. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - a. Amphetamines
 - b. Barbiturates
 - c. Benzodiazepines
 - d. Cocaine
 - e. Marijuana
 - f. Methadone
 - g. Opiates
 - h. Oxycodone/Oxymorphone
 - i. Phencyclidine
3. **NOTE**** Many over-the-counter Cannabidiol (CBD) products contain Tetrahydrocannabinol (THC), (regardless of what the labels on these products may claim). Use of CBD products can cause the buildup of levels of THC that may cause a positive result for the use of an illegal substance when drug tested. Use of any CBD products shall not be an excuse for a specimen that has tested positive for an illegal substance. Any positive test result will be subject to the consequences as outlined in this policy.

4. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
 - a. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and /or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
 - b. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screening.
5. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory 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 this agency 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.
6. 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 law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Appendix E). Once the form has been completed, this agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
7. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

O. Drug Testing Results

1. The State Toxicology Laboratory will provide written test results for every 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.

2. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of this agency 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.
3. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of the drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

P. Consequences of a Positive Test Result

1. When an applicant tests positive for illegal drug use:
 - a. The applicant shall be immediately removed from consideration for employment by the agency.
 - b. The applicant shall be reported to the Central Drug Registry maintained by the Division of the State Police.
 - c. The applicant shall be precluded from consideration for future law enforcement by any law enforcement agency in New Jersey for a period of two years.
 - d. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of the State Police.
2. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - a. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by his or her appointing authority.
 - b. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer.
 - c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.

- d. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
3. When a sworn law enforcement officer tests positive for illegal drug use:
- a. The officer shall be immediately suspended from all duties.
 - b. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
 - c. The officer shall be reported by his or her employer to the Central Drug Registry maintained by the Division of the State Police.
 - d. The officer shall be permanently barred from future law enforcement employment in New Jersey.

Q. Consequences of a Refusal to Submit to a Drug Test

- 1. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment in New Jersey for a period of two (2) years from the date of refusal. In addition, the agency shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- 2. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the agency shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- 3. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the agency shall forward the trainee's name to the 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 a drug test.

R. Resignation/Retirement in Lieu of Disciplinary Action. 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 completion of final disciplinary action, shall be reported by the agency to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

S. Record Keeping

1. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
2. Agency drug testing records shall include but not be limited to the following 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.
3. For random drug testing, the records shall 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.
4. Drug testing records shall be maintained with a level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

T. Central Drug Registry

- 1. The Monmouth County Sheriff's Office shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for illegal use of drugs or refuse an order to submit to a drug test. (Appendix F).
- 2. 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 his or her employer to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- 3. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - a. Name and address of the submitting agency, and contact person;
 - b. Name of the individual who tested positive;
 - c. Last known address of the individual;
 - d. Date of birth;
 - e. Social Security Number;
 - f. SBI number (if known);
 - g. Gender;
 - h. Race;
 - i. Eye color;
 - j. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 - k. Date of the drug test or refusal;
 - l. Date of the final dismissal or separation from the agency; and

- m. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- 4. The certification section of the notification form must be completed by the Sheriff or their designee and notarized with a raised seal.
- 5. 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
- 6. Information contained in the central registry may be released by the Division of the State Police only under the following circumstances:
 - a. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
 - b. In response to a court order.

U. Notification to Monmouth County Prosecutor's Office

- 1. 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 Sheriff or their designee shall provide a confidential written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office within **forty-eight (48) hours**. Upon completion of any disciplinary action, the Sheriff or their designee shall report the discipline to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office.
- 2. By December 31st of each year, the Internal Affairs Officer(s) shall provide written notice of the following to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office:
 - a. The dates of testing conducted during the prior year;
 - b. The total number of sworn officers employed by the agency;
 - c. The total number of sworn officers tested; and
 - d. The total number of sworn officers who tested positive.

V. Employee Assistance Program. The County of Monmouth provides an Employee Assistance Program (EAP). The purpose of this program is to provide employees or their family member's confidential and professional counseling for any personal concerns. The program provides limited counseling at no charge. The program is committed to the

belief that treatment in the form of counseling can improve personal problems that may be affecting job performance. Any employee in need of counseling is encouraged to seek services through the EAP on a volunteer basis.

1. Substance abuse can impair an employee's attitude, attendance, work relationships and work performance. For these reasons, substance abuse training is an important component in the Sheriff's Office Substance Abuse Policy.
2. The Sheriff's Office will provide a substance awareness program for all employees. The program will provide an overview on the differences between alcohol and drug use, misuse, abuse and addiction, how drugs and alcohol affect work performance, and details on how to use the Employee Assistance Program.
3. Supervisors will be provided with training that will educate them on the signs and symptoms of drug or alcohol use on the job, how to determine when "reasonable suspicion" testing is indicated, how to confront an employee who may be in violation of this policy and how to make an EAP referral.
4. When an employee has an alcohol or drug problem it is the employee's responsibility to notify their Supervisor or EAP as soon as possible to set up an appointment.
5. When seeking assistance, an evaluation to determine the severity of a substance abuse problem may be conducted by the EAP. Any lab work or follow-up testing will be the financial responsibility of the employee.
6. Treatment plans may include recommendations for outpatient, inpatient, residential programs, and additional substance abuse testing. The cost of any treatment, beyond the limits of the program, will be the individual's financial responsibility.



Monmouth County Sheriff's Office - Appendix A

Monmouth County Sheriff's Office
Drug Testing Random Number Selection Form

Date: _____ **Day:** _____ **Time:** _____

Officers Numbers Selected

| | |
|----|-----|
| 1. | 9. |
| 2. | 10. |
| 3. | 11. |
| 4. | 12. |
| 5. | 13. |
| 6. | 14. |
| 7. | 15. |
| 8. | 16. |

This will certify that the above selection was conducted under the guidelines established in the Monmouth County Sheriff's Office Substance Abuse Policy, in accordance with the Monmouth County Uniform Policy on Drug Testing of Law Enforcement Personnel and the New Jersey Attorney General Guidelines.

Undersheriff: _____ **Internal Affairs Officer:** _____

I/We certify that the above selection was conducted in my/ our presence:

| | |
|----------------------------|----------------------------|
| PBA Representative: | FOP Representative: |
| Signature: | Signature: |
| Date: | Date: |

I/ We declined to witness the above selection:

| | |
|----------------------------|----------------------------|
| PBA Representative: | FOP Representative: |
| Signature: | Signature: |
| Date: | Date: |

Monmouth County Sheriff's Office - Appendix B

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of the pre-employment process, the _____ 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

Monmouth County Sheriff's Office - Appendix C

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 during the training period.

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

Monmouth County Sheriff's Office - Appendix D

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with _____, 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.

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

Monmouth County Sheriff's Office - Appendix E

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.

Social Security Number and Initials

Date

