

	<b>HAMILTON POLICE DIVISION</b>		
	<b>Policies &amp; Procedures</b>		
	<b>GENERAL ORDER 2021-01</b>		
<b>LAW ENFORCEMENT DRUG SCREENING</b>			
By Order of:		Distribution:	
James M. Stevens, Chief of Police: _____		All Sworn Personnel	
Accreditation Standards: 1.3.3		# of Pages:	Effective Date:
		15	01/27/2021
Rescinds: General Order 2019-02			

**I POLICY:**

It shall be the policy of the Division to safeguard the Division from sworn law enforcement personnel who may engage in the illegal use of drugs and to provide a zero-tolerance stance of illegal drug use by sworn law enforcement personnel

The illegal use of drugs is incompatible with service in law enforcement. The Division is committed to ensuring that sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling their responsibilities. They are expected to obey all laws and ordinances, including those concerning illegal use of drugs. Violations of those laws are intolerable.

**II PURPOSE:**

The purpose of this policy is that a negative result is a continued condition of employment as a sworn employee. Any officer, who has a test that is positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful order, shall be terminated from this Division as detailed below.

This policy applies to all sworn members of the Division. It is the policy of this Division that sworn law enforcement personnel (hereinafter officer or officers) are subject to urine testing for illegal drug use as follows; when reasonable suspicion exists to believe that the officer is illegally using drugs, or when officers have been randomly selected to submit to a drug screen. The procedures contained herein shall be in accordance with the New Jersey Attorney General’s Law Enforcement Drug Testing Policy revised December 2020, and New Jersey Attorney General’s Law Enforcement Directive No. 2018-2.

### III PROCEDURES:

#### A. APPLICANTS FOR LAW ENFORCEMENT OFFICER POSITION:

1. This general order recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
3. During the pre-employment process, the Division must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining 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. REASONABLE SUSPICION TESTING:

1. Urine specimens shall be ordered from an officer when there exists reasonable suspicion that the officer is illegally using drugs.
2. Upon a report from any source that an officer may be illegally using drugs, the Internal Affairs Unit Commander shall be immediately notified.
3. The Internal Affairs Unit Commander shall immediately notify the Chief.
4. Upon the direction by the Chief, the Internal Affairs Unit Commander will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
5. Internal Affairs shall document findings in a written report.
6. The written report shall be submitted to the Chief for a determination if reasonable suspicion exists that an officer has engaged in illegal drug use.
7. If the Chief determines that reasonable suspicion of illegal drug use exists, the officer shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below. Under emergent circumstances, approval may be given by the Chief for a reasonable suspicion test on the basis of a verbal report. In such a case, a written report shall be made not more than 72 hours after verbal approval.

### C. RANDOM DRUG SCREENING:

1. Random selection shall be defined as a method of selection in which each and every sworn member of the Division, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
2. The Chief shall determine the percentage of officers selected each time a random selection takes place, which shall be no less than twice a year.
3. The method of random selection shall be as follows:
  - a) The Chief shall designate the Internal Affairs Commander or another officer under his command to conduct the selection process. The random selection shall occur by computer program designed specifically to ensure random sampling. Alternatively, a manual method of drawing names randomly by lot may be used. No less than ten percent (10%) of this Division's sworn personnel will be selected each time a random selection takes place.
  - b) The Chief may request that one or more specimens be analyzed for the presence of steroids.
  - c) Random drug screening shall be conducted at the discretion of the Chief.
4. Random selections will be conducted by the Internal Affairs Commander.
  - a) A representative of each affected collective bargaining unit shall be notified of an upcoming selection and be given an opportunity to be present to witness the selection process.
  - b) The Internal Affairs Commander shall document the date of the selection, the selection method used, all persons present at the time of the selection and the results of the selection.
5. Any member of the Division who discloses the identity of an officer selected for random testing prior to the test or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to administrative discipline.

### D. NOTIFICATION OF OFFICERS:

1. When it has been determined that reasonable suspicion exists, the Internal Affairs Supervisor or designee will go to the subject officer at the officer's work assignment and order that officer to accompany the Internal Affairs Supervisor or designee to a designated lavatory to collect the specimen.
2. Officers selected for random drug screening shall be contacted by the Internal Affairs Supervisor or designee at their work assignment and shall immediately report to the designated lavatory to submit a urine sample. If the officer is not on duty or is on a leave of any kind, the officer will be ordered to give a proper urine

sample(s) immediately upon returning to duty, regardless of the length or reason for the leave.

3. The order to provide a urine sample for drug screening is a direct order from the Chief of Police. No officer has the right to refuse the order; nor has the right to have a union representative or attorney present at the time the specimen is collected; nor has the right to delay the order for any reason.

#### E. SPECIMEN ACQUISITION PROCEDURES:

1. The Internal Affairs Commander will be responsible for the overall supervision of collection of the urine specimens. The Internal Affairs Commander shall be located at a designated area to supervise the processing, collection and storage of the urine specimens.
  - a) The Internal Affairs Commander shall designate a monitor(s) to oversee the specimen acquisition process.
  - b) The monitor shall always be of the same sex as the individual being tested.
  - c) The monitor of the specimen acquisition process shall be responsible for:
    - 1) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
    - 2) 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 donor identification (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
    - 3) Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
    - 4) 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).
    - 5) Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.
  - d) In order to ensure the accuracy and integrity of the collection process a monitor may:

- 1) 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.
  - 2) Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
- e) 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.

## 2. Specimen Collection:

- a) Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
- b) The monitor completes the Division information, donor identification, and test information sections of the Custody and Submission Form (CSF).
- c) The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
- d) 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.
  - 1) The specimen containers shall be kept closed/unsealed at this time.
  - 2) The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- e) 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.
- f) The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
  - 1) 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.

- 2) 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 below)
- g) The monitor instructs the donor to split the collected specimen into the specimen containers.
- 1) 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.
  - 2) The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
- h) The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.
- 1) 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).
  - 2) 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).
  - 3) 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.
- i) The monitor prints his/her name, signs and dates the monitor/Division acknowledgement section of the CSF.
- j) The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
- k) 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.
- l) 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.

- m) Any remaining urine and the specimen collection container may be discarded.
- n) 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 V. Submission of Specimens to the Laboratory below).

### 3. "Shy Bladder" Procedure

- a) When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - 1) 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.
  - 2) 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.
  - 3) Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
- b) 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.

### 4. Split Specimen

- a) 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.
- b) The split specimen will be maintained at the Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
- c) The split specimen will be released by the Laboratory under the following circumstances:
  - 1) The Division is notified by the Laboratory that the first specimen tested positive for a controlled substance;
  - 2) The Division notifies the donor that the first specimen tested positive for a controlled substance; and

- 3) The Division is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
- d) A representative of the split test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier also following accepted chain of custody procedures.
- e) Following 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.

## 5. Drug Testing Forms

- a) 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 H of this general order. Applicants are not required to complete a Drug Testing Medication Information form at this time.
- b) Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) 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 H of this general order. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), dietary supplements, and nutritional supplements that were ingested in the past 14 days. The Drug Testing Medication Information form (Attachment D) 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.
- c) Prior to the submission of a urine specimen, an officer shall execute a form (Attachment 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 H of this general order. 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 (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 (Attachment D) 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.

#### F. SUBMISSION OF SPECIMEN TO THE LABORATORY:

1. 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.
2. The specimens shall be stored in a controlled access refrigerator until such time as they can be delivered to the Laboratory.
3. Urine samples shall be delivered as soon as practical after acquisition. The samples will be hand-delivered by the Internal Affairs Commander or designee.
4. The Laboratory will reject any specimen that shows evidence of tampering or damage.
5. The chain of custody from the collecting Division to the State Laboratory will be fully documented.

#### G. TESTING:

1. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the 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 final reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids. The steroid test shall be for an additional cost to the Division.
2. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - a) Amphetamines;
  - b) Barbiturates;
  - c) Benzodiazepine;
  - d) Cocaine;
  - e) Marijuana/Cannabis;
  - f) Methadone;
  - g) Opiates;
  - h) Oxycodone/Oxymorphone;

- i) Phencyclidine.
3. The 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 screen.
4. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the 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 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.
5. 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 Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the Division 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.
6. In addition to the testing outlined above, specimens submitted to the Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The Laboratory 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 substances.

#### H. DRUG TEST RESULTS:

1. The State Toxicology Laboratory shall notify this Division of any positive test results in writing as soon as possible.
2. Under no circumstances will this Division or any individual from this Division resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

3. This Division shall notify the officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. The subject officer will be provided with a copy of the laboratory report.

#### I. 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 Division.
  - b) The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
  - c) The applicant shall be precluded from consideration for future law enforcement employment 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 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 and suspended from employment by his or her appointing authority.
  - b) Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer, by the appointing authority.
  - 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, the officer shall be terminated from employment as a law enforcement officer.

- c) The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
- d) The officer shall be permanently barred from future law enforcement employment in New Jersey.

J. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST:

- 1. The Chief shall make the determination whether an officer refused to submit to a drug test.
- 2. Any officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection shall be:
  - a) Immediately suspended from all duties without pay;
  - b) Upon final disciplinary action, if it is found that the officer refused to submit to a drug test, terminated from employment as a sworn member of the Division;
  - c) Reported to Central Drug Registry maintained by the Division of State Police; and
  - d) Permanently barred from future law enforcement employment in New Jersey.

K. RECORD KEEPING:

- 1. The Internal Affairs Commander shall maintain all records relating to the drug screening of the sworn members of the Division.
- 2. For reasonable suspicion drug screening, the records shall include at least:
  - 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 Laboratory;
  - f) The results of the drug screening;
  - 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 screening, the records will include at least:

- a) A description of the process used to randomly select officers for drug screening;
- b) The date of that selection;
- c) A copy of the document listing the identities of those selected for drug screening;
- d) A list of those who were actually tested;
- e) The date the urine was collected;
- f) The monitor(s) of the collection process;
- g) 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;
- h) The results of the drug screening;
- i) Copies of notifications to the subject;
- j) 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;
- k) For any positive result or refusal, appropriate documentation of disciplinary action.

4. The records of drug screening shall be maintained with the same level of confidentiality of all internal affairs files.

#### L. CENTRAL DRUG REGISTRY:

- 1. The Internal Affairs Commander shall notify the Division of State Police, Central Drug Registry, of the identity of any sworn law enforcement officers who test positive for the illegal use of drugs.
- 2. Notifications to the Central Drug Registry shall include the following information as to each individual.

- a) Name and address of the submitting Police Division;
  - 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 applicable);
  - 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 final dismissal from the Division; and
  - m) Whether the individual was an applicant, trainee or sworn law enforcement officer.
3. The certification section of the notification form must be completed by the Chief and notarized with a raised seal.
  4. 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

**M. NOTIFICATION TO COUNTY PROSECUTOR:**

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 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 Hamilton Police Division shall report the discipline to the County Prosecutor or designee.
2. By December 31st of each year, the Hamilton Police Division 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 Division, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

**N. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY:**

1. The Hamilton Police Division's Drug Testing General Order shall be made available to the public upon request and shall be posted on the Division website. Annual reports, as required by Section M, shall be made available to the public upon request and shall be posted on the Division website.
2. All written reports created or submitted pursuant to this general order that identify specific officers are confidential and not subject to public disclosure.