



# MOONACHIE POLICE DEPARTMENT

GENERAL ORDER		Drug Testing G.1.16
DATE (s)	AUTHORS ID #	AUTHORITY
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## G.1.16.1 POLICY:

It is the policy of the Moonachie Police Department to conduct drug testing of sworn law enforcement officers, law enforcement officer trainees, and applicants for law enforcement officer employment in order to maintain professional standards of performance and to help ensure the trust of the community in those who enforce the law.

## G.1.16.2 PURPOSE:

The purpose of this policy is to establish guidelines for the drug testing of Moonachie Police personnel so that this agency is in compliance with the NJ Attorney General's Law Enforcement Drug Testing Policy.

## G.1.16.3 DEFINITIONS:

**Law Enforcement Officer:** Sworn law enforcement personnel who are responsible for the enforcement of municipal ordinances and the criminal laws of this State, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under NJSA 2C:39-6.

**Law Enforcement Officer Trainee:** Personnel subject to the Police Training Act while attending a mandatory basic training course.

**Applicants for Law Enforcement Officer Employment:** Person who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under NJSA 2C:39-6.

**Random Selection Process:** Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (Moonachie **Does Not** currently enforce Random drug Testing).

#### **G.1.16.4 PROCEDURE:**

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

###### **1. Applicants for Police Officer Employment**

- a. Applicants will be required to submit a urine specimen at any time prior to employment.

###### **2. Law Enforcement Trainees**

- a. Trainees will be 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 comply with rules and regulations established by the Police Training Commission.
- b. Individual trainees may also be required to submit a urine specimen for testing when there exist's reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief of Police, or the Academy Director.

###### **3. Sworn Law Enforcement Officers**

- a. Urine specimens shall be ordered from a sworn law enforcement officer when there exist's reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief of Police.
- b. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

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

###### **1. Applicants for Law Enforcement Officer Employment**

- a. Applicants must be notified that the pre-employment process will include drug testing. The notification must indicate that a negative result is a condition of employment and that a positive result will: (A) result in the applicant being dropped from consideration from Moonachie Police Department employment; (B) cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police; and (C) permanently bar the applicant from being considered for future law enforcement employment in future law enforcement employment in the State of New Jersey for a period of two years.
- b. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and be permanently barred from future law enforcement employment in New Jersey.

## 2. Law Enforcement Officer Trainees

- a. All newly appointed law enforcement officer trainees 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) the officer's termination from employment; (B) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and (C) the officer being permanently barred from future law enforcement employment in New Jersey.
- b. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

## 3. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

- a. Individual Moonachie Police Department law enforcement officers will be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs.
- b. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, a written report that documents the basis for the reasonable suspicion will be prepared. The report shall be reviewed by the County Prosecutor or the Chief of Police before a reasonable suspicion test is ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
- c. A negative drug test result is a condition of employment as a sworn officer. A positive drug test result will result in: (A) the officer's termination from employment; (B) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and (C) the officer being permanently barred from future law enforcement employment in New Jersey.
- d. Moonachie law enforcement officers who refuse to submit to a drug test based on reasonable suspicion 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.

## C. SPECIMEN ACQUISITION PROCEDURES:

### 1. Preliminary Acquisition Procedures

- a. The Chief of Police shall designate a supervisor to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event that there is no monitor of the same sex available from the Moonachie Police Department, a monitor from another law enforcement agency may be requested to serve as monitor of the process.

### 2. The monitor 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.
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
  - c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
3. 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 A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire (Appendix B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
  4. Prior to submission of a urine specimen, a Moonachie Police Department law enforcement 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 with Moonachie Police Department and of the consequences of a positive result (as outlined in Section V paragraph B above). 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 medical questionnaire (Appendix B) which clearly describes all medications, both prescription and over the counter (non-prescription), that were ingested in the past fourteen days.
  5. Prior to the submission of a urine specimen, sworn Moonachie Police Department law enforcement officers shall complete a medical questionnaire (Appendix B), which clearly describes all medications, both prescription and over-the counter (non-prescription), that were ingested in the past fourteen days.

#### D. SPECIMEN COLLECTION:

1. Throughout the testing process, the identity of individual Moonachie Police Department applicants, trainees, and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of personal identification numbers (Social Security number).
  - a. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.

2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
  - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee, or sworn officer will void into two (2) specimen collection containers.
  - b. After two (2) specimens have been produced, the individual will seal the specimen containers and deliver them to the monitor.
  - c. Once the monitor is satisfied that the required documentation is accurate and he/she has inspected the specimen containers to determine that the specimen has been produced, the monitor shall take possession of one specimen, package the specimen in the same fashion as evidence, and ensure that it is delivered to the State Toxicology Laboratory for analysis.
  - d. The second specimen will be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured storage area (specimen freezer).
  - e. The Moonachie Police Department shall maintain possession of the specimen for a period of sixty days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.

E. SECOND SPECIMEN:

1. The Moonachie Police Department under the following circumstances shall release the second specimen:
  - a. The Moonachie Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
  - b. The Moonachie Police Department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
  - c. The officer must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
  - d. A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.
2. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the monitor may directly observe the production of a specimen.

Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.

3. Individuals who initially are unable to produce urine specimens may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen.

While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a physical infirmity or constituted a refusal to cooperate with the drug testing process.

#### F. SUBMISSION OF SPECIMENS FOR ANALYSIS:

1. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of Moonachie Police Department law enforcement drug tests. The Moonachie Police Department is not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
2. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event that a specimen cannot be submitted to the laboratory within one working day of its collection, the Moonachie Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  - a. Submission of specimens to the State Toxicology Laboratory will be accomplished by Moonachie Police Department personnel delivering the specimens to the State Toxicology Laboratory.

#### G. ANALYSIS OF SPECIMENS:

1. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
  - a. amphetamine/methamphetamine
  - b. barbiturates
  - c. benzodiazepine
  - d. cannabinoids
  - e. cocaine
  - f. methadone
  - g. phencyclidine
  - h. opiates
  - i. anabolic steroids

#### H. DRUG TEST RESULTS:

1. The State Toxicology Laboratory shall notify the submitting law enforcement agency of test results from the submitted for analysis. All reports shall be in writing and sent to the agency with 15 working days of the submission.

2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and Moonachie Police Department Internal Affairs Officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
3. The Moonachie Police Department shall notify the applicant, trainee, or sworn officer of the results of a positive test as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
4. Under no circumstances may the Moonachie Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be retested.

#### 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 Moonachie Police Department.
  - b. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Moonachie Police Department.
  - c. The applicant shall be permanently barred from consideration for future law enforcement employment in the State of 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 Moonachie Police Department shall notify the officer's current employer of the positive test results.
  - e. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his/her name to the Central Drug Registry maintained by the Division of State Police.
2. 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 the Moonachie Police Department.
  - b. The trainee shall be terminated from employment as a law enforcement officer upon the final disciplinary action by the Moonachie Police Department.
  - 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 Moonachie Police Department law enforcement employment.

J. WHEN A SWORN LAW ENFORCEMENT OFFICER TESTS POSITIVE FOR ILLEGAL DRUG USE:

1. The Moonachie Police Department shall immediately suspend the officer with pay from all law enforcement duties, pending a disciplinary hearing. In cases involving testing of the second specimen, the disciplinary hearing will not be held until the department receives the results of the second specimen test.
2. The Moonachie Police Department shall terminate the officer from employment as a law enforcement officer upon final disciplinary action.
3. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police by the Moonachie Police Department; and
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

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

1. Applicants for Moonachie Police Department law enforcement officer employment that refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for future law enforcement employment in the State of New Jersey for a period of two years. In addition, the Moonachie Police Department shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
2. Moonachie Police Department law enforcement 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 Moonachie Police Department law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Moonachie Police Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
3. Moonachie Police Department 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 Moonachie Police Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
4. 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 his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

L. RECORD KEEPING:



1. The Moonachie Police Department Internal Affairs Officer shall maintain all records relating to the drug testing of Moonachie Police Department applicants, trainees, and law enforcement officers.
2. 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 name of the monitor of the collection process
  - e. the chain of custody of the urine sample from the time it was collected until the time the State Toxicology Laboratory received it
  - f. the results of the drug testing
  - g. copies of notifications to the subject
  - h. for any positive result or refusal, appropriate documentation of disciplinary action
3. 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. document listing the identities of those selected for drug testing
  - d. a list of those who were actually tested
  - e. the dates(s) those officers were tested
4. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to New Jersey Internal Affairs Policy and Procedures.

**M. CENTRAL DRUG REGISTRY:**

1. The Moonachie Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of the officer applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit a urine sample (Appendix D).
2. Notifications to the Central Drug Registry shall include the following information regarding each individual:
  - a. name and address of the submitting agency
  - 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 drug test or refusal;
  - l. date of dismissal from the agency, 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:

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

5. Information contained in the central registry may be released by the Division of 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.
  - b. In response to a court order.

## APPENDIX A

### DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGMENT

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

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

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

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

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

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

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer; I will be barred from future law enforcement employment in the State of New Jersey for two years from the date of this 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

## APPENDIX B

### 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.

√ All that apply:

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

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

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

\_\_\_\_\_  
Social Security Number & Initials

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## APPENDIX C

### DRUG TESTING TRAINEE NOTICE AND ACKNOWLEDMENT

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

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

I understand that I can refuse to undergo the testing. I understand that if I refuse, I will be dismissed from the academy and from my law enforcement position.

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

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

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

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

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## APPENDIX D

### NOTIFICATION TO THE CENTRAL DRUG REGISTRY

Type or Print

<b>AGENCY SUBMITTING</b>					
AGENCY				PHONE	
ADDRESS		CITY		STATE	ZIP
CONTACT PERSON		TITLE		PHONE	
<b>PERSON TO BE ENTERED</b>					
LAST NAME	FIRST NAME	INITIAL	GENDER	RACE	EYE COLOR
DOB	SSN		SBI NUMBER (IF KNOWN)		
THIS PERSON WAS: <input type="checkbox"/> APPLICANT <input type="checkbox"/> TRAINEE <input type="checkbox"/> SWORN OFFICER - RANDOM <input type="checkbox"/> SWORN OFFICER - REASONABLE SUSPICION					
ADDRESS					
CITY	STATE			ZIP	
<b>REASON FOR NOTIFICATION</b>					
THE PERSON LISTED ABOVE <input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE) OR <input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE					
DATE OF THE DRUG TEST OR REFUSAL			DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY		
<b>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</b>					
I hereby affirm that the above information is true and correct to the best of my knowledge.					
_____		_____			
<i>Print Name</i>		<i>Title</i>			
Sworn and subscribed before me this _____ day of _____, _____					
(Seal)			_____		
			<i>Signature</i>		

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