
		<b>TOWNSHIP OF IRVINGTON, N.J.</b> <b>DEPARTMENT OF PUBLIC SAFETY</b>			
<b>STANDARD OPERATING PROCEDURE</b>					
Division		POLICE		<b>#2018-01</b>	
Section Code		D-2			
Issued Date				<b>RANDOM DRUG TESTING POLICY</b> <b>[Division of Police]</b>	
Effective Date		11/10/18			
<u>Supersedes</u>					
G.O. #2009-08	11/15/13				
SOP#2018-01	2/1/18				

## I. INTRODUCTION

This Standard Operating Procedure supercedes the New Jersey Law Enforcement Drug Testing Manual [7/15/01] as well as previously issued Standard Operating Procedure related to Random Drug Testing for Police Officers. The revision of the Random Drug Testing Policy is in accordance with Attorney General Directive 2018-2 which requires the implementation of Random Drug Testing by all law enforcement agencies. The policy also requires the drug testing of all law enforcement applicants as a condition of employment. The requirements for random drug testing shall only apply to sworn police officers within the Division of Police.

## II. POLICY

- A. It shall be the policy of the Department of Public Safety to engage in the Random Drug Testing of sworn police officers, police recruits and police applicants in accordance with Attorney General Directive 2018-2.
- B. It shall be the policy of the Department of Public Safety to undertake the drug testing of sworn police officers and non-sworn Department personnel in the area of reasonable suspicion drug testing or fitness for duty drug testing in accordance with Attorney General Directive 2018-2, and Standard Operating Procedure #2016-14, Reasonable Suspicion Drug Testing.
- C. It shall be the policy of the Department of Public Safety that any employee who is required to take prescription medicine under the following circumstances shall notify the appropriate Department personnel when:
  1. The employee believes the medication may directly impact their ability to perform their duties, and/or;





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2. The employee has been informed by a competent medical professional that the prescription medications may affect their ability to function effectively at any time and/or;
  3. The employee is required to take medication while on-duty, and/or;
  4. The prescribed medication actually impairs the employee's ability to function *[i.e., driving a vehicle, impaired hand-eye coordination, drowsiness, impaired report writing ability, impaired judgment or cognitive abilities, etc.]*.
- D. In the circumstances described in paragraph C, (above), the involved employee shall:
1. **Immediately** report the information to the on-duty Desk Officer;
  2. The employee shall identify the treating physician and provide a waiver for contact of said physician;
  3. The Desk Officer shall immediately notify the employee's Bureau Commander and the Office of Personnel and be guided by their direction(s).

**III. APPLICABILITY**

The requirements of this Standard Operating Procedure shall apply as follows:

**A. Personnel**

1. Applicants for a position as an Irvington Police Officer 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 **N.J.S.A. 2C:39-6**.
2. Irvington Police Officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
3. Sworn Irvington Police Officers 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**.
4. The ***Random Law Drug Testing Policy*** does not apply to civilian employees of a law enforcement agency.





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**B. Employment Status**

Drug testing shall be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required of all Irvington Police applicants and trainees. Pursuant to AG Directive 2018-2, law enforcement agencies are required to implement a random drug testing program for all sworn officers in their Departments. Further, law enforcement agencies have an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs as defined in SOP#2016-14, Reasonable Suspicion Drug Testing.

**1. Irvington Police Applicants**

The Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective Irvington Police Officers 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.

In addition, applicants for employment may be tested as many times as the Department of Public Safety 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 a 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.

During the pre-employment process, the Department shall 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 shall not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

**2. Irvington Police Trainee Testing**

Individuals hired as Irvington Police Officers shall be required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a Police Academy. Trainees will be required to submit one or





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more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the Police Academy staff under rules and regulations adopted by the Police Training Commission.

Individual trainees shall 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 County Prosecutor, the Chief Executive Officer of the trainee's agency, or the Academy Director.

**3. [Sworn Irvington Police Officers]**

- a. Sworn Irvington Police 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 Irvington Police, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection conducted.
- b. Sworn Irvington Police Officers shall also be required to submit 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, as defined in **SOP#2016-14, Reasonable Suspicion Drug Testing.**
- c. Urine specimens may also 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.

**C. Types of Testing**

**1. Random Testing**

Random Drug Testing of all state, county and local sworn law enforcement officers is required by **AG Directive 2018-2 and SOP#2018-01, Random Drug Testing – Division of Police.** Random selection is defined as a method of selecting employees for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency. A minimum of ten percent





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of the sworn officers within the Division of Police shall be randomly tested each time. The Department shall perform the random test at least once in 2018 and at least twice in every subsequent calendar year.

The Department of Public Safety has in place a Random Drug Testing computer program which ensures that every sworn officer within the Division of Police has an equal chance of being selected each and every time a selection takes place. The Office of Internal Affairs shall be responsible for the administrative function of this program, including but not limited to: installing all required personnel information and adding and/or deleting employees as due to new hires, resignations and terminations.

The random selection process shall be verified and documented. The agency shall permit representatives of the affected collective bargaining units, [PBA and SOA] to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone who discloses the identity of an officer selected for random testing, or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, will be subject to discipline.

**2. Reasonable Suspicion Drug Testing**

The Department of Public Safety shall undertake drug testing when there is reasonable suspicion to believe a police officer and/or a non-sworn Department member is engaged in the illegal use of controlled substances. Reasonable Suspicion Drug Testing shall be undertaken by the Office of Internal Affairs in accordance with SOP#2016-14.

**IV. NOTIFICATION OF DRUG TESTING PROCEDURES**

**A. Police Applicants**

Police Applicants for the position of Irvington Police Officer shall be notified that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive 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 from the date of the drug test.





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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 permanently barred from future law enforcement employment in New Jersey. 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.

**B. Police Trainee's**

All newly appointed Irvington Police 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). result in the 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.

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. Each police academy shall include in its rules and regulations a provision implementing drug testing during basic training.

**C. Sworn Irvington Police Officers**

**Standard Operating Procedure #2016-14, Reasonable Suspicion Drug Testing** requires that individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs as well as they are subject to mandatory random drug testing pursuant to AG Directive 2018-2.

The Department of Public Safety appropriate Standard Operating Procedures shall also provide that a negative result is a condition of employment as a sworn officer and that a positive result will result in:





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- 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

The Department of Public Safety's rules and regulations and appropriate Standard Operating Procedures shall further provide that officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn Irvington Police 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.

**V. SPECIMEN ACQUISITION PROCEDURES**

**A. Preliminary acquisition procedures**

- 1. The Office of Internal Affairs shall serve as a monitor of the specimen acquisition process. The monitor shall always be of 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 collecting the specimens, the Office of Internal Affairs may request that a member of the same gender from another unit serve as monitor of the process.
- 2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (*Attachment A*). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III, A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
- 3. Prior to the submission of a urine specimen, a police 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 III, B of this policy. The form shall also advise the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainee's shall complete a Drug Testing Medication Information form (*Attachment D*)





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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.

4. 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 III, C of this policy. The form shall also advise the officer that a 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 shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

**B. Monitor's Responsibilities**

1. The Office of Internal Affairs, serving as 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 (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 each agency to





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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 the Office of Internal Affairs 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 Office of Internal Affairs 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 Office of Internal Affairs 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.

**C. Urine Specimen Collection Procedure**

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit contents on a clean surface.
4. Using an ordinary pencil, the donor writes his/her 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





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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 D., "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° and 100° F 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 ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (*See Section V. Submission of Specimens for Analysis below*).

**D. "Shy Bladder" Procedure**

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.





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- b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonable 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.

**E. 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 result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
  - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
  - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, 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.





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- a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA 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.

**VI. SUBMISSION OF SPECIMENS FOR ANALYSIS**

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the law enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the even specimens cannot be submitted to the laboratory within one working day of its collection, the Office of Internal Affairs shall store the specimens in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory (*Attachment E*).
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the Office of Internal Affairs or commercial courier using "next day delivery". Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. 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.





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

**VII. ANALYSIS OF SPECIMENS**

- A. 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, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
1. Amphetamines
  2. Barbiturates
  3. Benzodiazepines
  4. Cocaine
  5. Marijuana
  6. Methadone
  7. Opiates
  8. Oxycodone/Oxymorphone
  9. Phencyclidine
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
1. 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.





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2. 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.
- D. 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 the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the Office of Internal Affairs, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (*Attachment D*). Once the form has been completed, the Office of Internal Affairs shall be responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. 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 reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

#### **VIII. DRUG TEST RESULTS**

- A. 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.
- B. 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





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information form explain 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 the Office of Internal Affairs 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 by the agency.

- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of 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.

**IX. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. When an Irvington Police **applicant** tests positive for illegal drug use:
1. The applicant shall be immediately removed from consideration for employment by the Department; and/or the Division of Police.
  2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Office of Internal Affairs; and
  3. 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 (2) years.
  4. 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.
- B. When a Police Academy **trainee** tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
  2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority.





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3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
  4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a **sworn Irvington Police law Officer** tests positive for illegal drug use:
1. The officer shall be **immediately suspended** from all duties;
  2. The officer shall be **terminated from employment** as a law enforcement officer, upon final disciplinary action;
  3. The officer shall be reported by the Office of Internal Affairs to the **Central Drug Registry** maintained by the Division of State Police; and
  4. The officer shall be **permanently barred from future law enforcement employment** in New Jersey.

**X. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST**

- A. **Applicants** who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment in the Township of Irvington and barred from consideration for future law enforcement employment for a period of two (2) years from the date of the refusal. In addition, the Office of Internal Affairs shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. **Trainees** who refuse to submit to a drug test during basic training shall be immediately removed from the Academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Office of Internal Affairs shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. **Sworn Law Enforcement Officers who refuse to submit a drug test** ordered in response to reasonable suspicion or random selection shall be immediately





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suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from the Department and the Division of Police and permanently barred from future law enforcement employment in New Jersey. In addition, the Office of Internal Affairs shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

**XI. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION**

**Sworn Law Enforcement Officer who test 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 Office of Internal Affairs to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

**XII. RECORD KEEPING**

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

B. Drug testing records shall include but not be limited to:

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; and
- h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer





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unfit for duty.

- i. for any positive result or refusal, appropriate documentation of disciplinary action.
2. For random drug testing, the records will also include the following information:
- a. a description of the process used to randomly select officers for drug testing;
  - b. the date selection was made;
  - c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.

### **XIII. CENTRAL DRUG REGISTRY**

- A. The Office of Internal Affairs 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 refuses an order to submit a urine sample on the form prescribed in Attachment F.
- B. 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.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  1. name and address of submitting agency and a contact person;
  2. name of the individual who tested positive;
  3. last known address of the individual;
  4. date of birth;





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5. social security number;
  6. SBI number (if known);
  7. gender
  8. race
  9. eye color
  10. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  11. date of the drug test or refusal;
  12. date of final dismissal or separation from the agency; and
  13. whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the Director of Public Safety and notarized with a raised seal.
- E. Notification to the Central Drug Registry shall be sent to:
- Division of State Police Department  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, NJ 08628-0068**
- F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for perspective or new personnel.
  2. In response to court order.





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**XIV. RESPONSIBILITY FOR COMPLIANCE**

- A. All Department members are responsible for compliance with this Standard Procedure. Supervisory and Command Officers shall ensure compliance with this directive and shall be held individually accountable for failure to enforce or comply with the tenets of this Standard Operating Procedure.
- B. Inadequacies on the part of subordinate personnel shall reflect on the performance of supervisory and command officers.

**XV. DISSEMINATION/ORIENTATION**

- A. This directive shall be placed in the Power Dms Software for review by all members by **November 10, 2018**.
- B. Bureau Commanders shall direct and document roll call training and/or unit training on the revised Drug Testing Policy **between November 10, 2018 to November 20, 2018**.
- C. Copies of this directive shall be provided directly to President PBA Local #29 and President of the Superior Officer's Association **on or before November 10, 2018**.

**XVI. EFFECT**

This Standard Operating Procedure shall take effect on November 10, 2018. All previous Orders, Directives and Sections of the Rules and Regulations which are inconsistent with this directive are hereby repealed.

By Order Of:

Tracy Bowers  
Director of Public Safety