MORRIS COUNTY PROSECUTOR'S OFFICE
POLICY & PROCEDURE

ADMINISTRATIVE POLICY	ADMINISTRATIVE POLICY NUMBER AP-05	# OF PAGES: 15

SUBJECT: DRUG SCREENING AND TESTING

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November 17, 2014		March 9, 2021 June 6, 2018	
BY THE ORDER OF: Acting Prosecutor Robert J. Carroll			
SUPERSEDES ORDER #:			

PURPOSE: The Morris County Prosecutor's Office demands that its members are held to the highest standard of conduct and perform their duties in a drug free environment. To preserve the integrity of the Office, and to ensure that the citizens of Morris County are provided with untainted and quality law enforcement services, the Morris County Prosecutor's Office has developed this Drug Screening and Testing Policy & Procedure applicable to all of its members.

POLICY: It is the policy of the Morris County Prosecutor's Office to utilize this policy and procedure as it pertains to drug screening and drug testing of its members, both sworn and non-sworn. The New Jersey Attorney General's Law Enforcement Drug Testing Policy revised December 2020 and Law Enforcement Directive 2018-2 was referenced to develop this policy, and in the event of current or future conflicting information, the New Jersey Attorney General's Law Enforcement Drug Testing Policy and Law Enforcement Directive 2018-2 shall supersede this policy & procedure.

PROCEDURE:

I. DEFINITIONS FOR THE PURPOSES OF THIS POLICY

A. Applicant
All persons who apply for a position, paid or unpaid, with the Morris County Prosecutor's Office.

B. Member
All persons working for the Morris County Prosecutor's Office, whether paid or unpaid.

C. Drug Test
A method of examining a urine specimen for the presence of select drugs identified in section XII.A.1 of this policy.

D. Non-Sworn Members
Includes Morris County Prosecutor's Office members without law enforcement authority, including agents, grant employees, support staff, interns and volunteers.

E. Detective
Includes sworn Morris County Prosecutor's Office investigators, regardless of rank or assignment, authorized to carry a firearm. (Non-Prosecutors)

F. Prosecutors
Includes Morris County Prosecutor's Office members with prosecutorial authority, regardless of position.

G. Trainee
Includes Morris County Prosecutor's Office detectives attending or scheduled to attend a mandatory Division of Criminal Justice's Basic Course for Investigators or any Police Training Commission approved basic training course. Drug testing conducted during basic training at the training facility will comply with Rules and Regulations established by the New Jersey Police Training Commission and training academy.

H. Random Drug Testing
A method of selection in which every detective, regardless of rank or assignment, has an equal chance to be selected for drug testing each time the selection process is administered.

I. Reasonable Suspicion Drug Testing
Based on conduct, behavior, or credible intelligence the reasonable suspicion that any member of this Office is illegally using drugs. Reasonable suspicion is not an un-particularized suspicion or a hunch. It must be based on specific and articulable facts, taken together with rational inferences that the member is illegally using drugs.

J. Prohibited Drugs
Prima-facie illegal substances identified in section XII.A.1 of this policy are prohibited. Legally prescribed substances are not prohibited, however in accordance with this policy, when a member of the MCPO is prescribed a medication that may affect their performance, the member is required to immediately advise the Prosecutor or designee via chain of command. A copy of the prescription must be submitted to the Professional Standards Unit within (5)

working days of the drug test. Refer to section XVI.A of this policy for further information regarding prescription or over the counter medications that affect work performance.

K. Negative Drug Test Result
No prohibited substances identified in the member's system.

L. Positive Drug Test Result
Prohibited substances identified in the member's system.

M. Central Drug Registry
A data base maintained by the New Jersey State Police identifying detective applicants, detective trainees and current detectives who have failed a sanctioned drug test, refused to submit to a drug test, or who have resigned or retired prior to submitting to a drug test.

II. INTRODUCTION

A. All members of the Morris County Prosecutor's Office shall be subject to pre-employment drug screening.

B. All members of the Morris County Prosecutor's Office shall be subject to drug testing based upon reasonable suspicion.

C. All detectives, regardless of rank, of the Morris County Prosecutor's Office shall be subject to random drug testing.

D. All detective trainees employed by the Morris County Prosecutor's Office prior to or while attending a mandatory Division of Criminal Justice Basic Course for Investigators Academy shall be subject to reasonable suspicion and random drug testing.

E. Internal drug testing procedures shall be managed by the Professional Standards Unit (PSU) of the Specialized Crimes Division. The PSU shall securely retain all drug testing documents and reports.

F. An Internal Affairs case number shall be generated and an Internal Affairs investigation initiated for all drug testing cases based on reasonable suspicion and for all positive test results for prohibited substances.

III. PRE-EMPLOYMENT DRUG SCREENING

A. All applicants for any position, paid or unpaid, within the Morris County Prosecutor's Office shall be drug tested prior to appointment after providing written consent. The applicant will be disqualified from any position within the Office for testing positive for prohibited drugs or refusing to submit to a test.

IV. DETECTIVE APPLICANTS

A. Detective applicants shall be informed that the pre-employment process will include drug testing specified on the DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGMENT form. (Attachment)

B. The form minimally indicates that a negative result is a condition of employment, and that a positive result will be just cause for all of the following:

1. The applicant being disqualified from hiring process.

2. Inclusion of the applicant's name in the Central Drug Registry.

3. The applicant being barred from future law enforcement employment in the State of New Jersey for a period of (2) years.

4. If employed by another law enforcement agency, notification to that agency reporting the positive result.

C. Applicants shall be informed that refusal to submit to a drug test during the pre-employment process shall be treated as if they tested positive for drugs with the same consequences as cited in this policy.

V. DETECTIVE TRAINEES

A. All newly appointed investigator trainees attending or scheduled to attend a New Jersey Division of Criminal Justice Basic Course for Investigators or any Police Training Commission approved basic training course, shall be informed that drug testing on a random and reasonable suspicion basis is mandatory during basic training. A Detective Trainee may be subjected to an additional drug testing urine screening within ninety (90) days prior to beginning basic training at the academy's request. Each academy will regulate testing at their facility. Trainees shall minimally be informed that a negative result is required to remain employed at the Morris County Prosecutor's Office and a positive result or refusal to submit to a drug test will be just cause for all of the following:

1. The immediate dismissal from the training academy and the immediate suspension from the Morris County Prosecutor's Office.

2. Termination from employment upon final disciplinary action by the Morris County Prosecutor.

3. Inclusion in the Central Drug Registry.

4. The trainee being permanently barred from future law enforcement employment in the State of New Jersey.

VI. REASONABLE SUSPICION DRUG TESTING

A. All members, sworn and civilian, are required to submit to a drug test when there is a reasonable suspicion to believe that the member is illegally using drugs.

1. Before a member may be ordered to submit to a drug test based on reasonable suspicion, a written report shall be prepared by the applicable personnel, which shall document the basis for the reasonable suspicion. The report shall be reviewed by the Prosecutor or designee before the drug test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test based on a verbal report, followed by a written report.

a. Reasonable suspicion shall be determined by the following factors:

(1) The nature and source of the information.

(2) Whether the information constitutes direct evidence or is hearsay in nature.

(3) The reliability of the information or source.

(4) Whether corroborating information exists and the degree to which it corroborates the accusation, and whether and to what extent the information may be stale.

B. A negative result is required to remain employed at the Morris County Prosecutor's Office. A positive result or refusal to submit to a drug test will be just cause for all of the following:

1. Immediate suspension from the Morris County Prosecutor's Office.

2. Termination from employment upon final disciplinary action by the Morris County Prosecutor.

3. Inclusion of the member's name in the Central Drug Registry. (Detectives)

4. The member being permanently barred from future law enforcement employment in the State of New Jersey. (Detectives)

C. Detectives who refuse to submit to a drug test and who resign or retire in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported to the Central Drug Registry, and shall be permanently barred from future law enforcement employment in the State of New Jersey.

VII. RANDOM DRUG TESTING OF DETECTIVES

A. All detectives are subject to random drug testing, regardless of position, rank or assignment. Random drug testing shall be scheduled semi-annually on dates determined by the Prosecutor or designee.

1. Ten percent (10%) of the Office's detectives shall be tested each time a random selection occurs. If a detective is scheduled off, sick or otherwise unavailable on the date chosen for the random drug test, the detective shall be tested immediately upon return to duty.

2. If a detective is randomly selected for testing while assigned to the police training academy for basic training or is on approved leave for a period of time in excess of (15) business days (i.e.; family medical leave, military leave, etc.), they will be removed from the selection phase of the computer program by the Professional Standards Unit member facilitating the process.

B. Random selection shall be by a computer program specifically utilized to ensure that every detective has an equal chance of being tested each time a selection process is administered.

C. The computer program's selection process will be verified by the Chief of Detectives or designee, and documented by PSU each time that the random selection process occurs.

1. A representative of the respective collective bargaining unit shall be permitted to witness the selection process and shall sign a non-disclosure agreement indicating that the entire process shall remain confidential.

2. Every detective who is present to administer the selection process and the collective bargaining unit representative shall print, sign, and date each document generated by the computer.

D. Any member who discloses the identity of a detective selected for random testing, or the fact that a random selection is scheduled to occur prior to the collection of urine specimens, shall be subject to disciplinary action.

E. Urine specimen(s) shall be collected from selected personnel in a prompt, efficient and confidential manner.

F. A negative result is required to remain employed at the Morris County Prosecutor's Office. A positive result of prima-facie illegal drugs or refusal to submit to a drug test will be just cause for all of the following:

1. Immediate suspension from the Morris County Prosecutor's Office.

2. Termination from employment upon final disciplinary action by the Morris County Prosecutor.

3. Inclusion of the member's name in the Central Drug Registry.

4. The detective being permanently barred from future law enforcement employment in the State of New Jersey.

G. Detectives who refuse to submit to a random drug test and who resign or retire in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported to the Central Drug Registry, and shall be permanently barred from future law enforcement employment in the State of New Jersey.

VIII. OTHER DRUG TESTING

A. Urine specimens may be collected during a regularly scheduled and announced medical examination, or a fitness for duty examination. However, the collection and analysis of these specimens is not governed by this policy. Members who test positive for illegal drug use during a physical exam sanctioned by the Morris County Prosecutor's Office are subject to appropriate disciplinary action as determined by the Prosecutor or designee.

IX. SPECIMEN ACQUISITION PROCEDURES

A. General acquisition procedures:

1. Detectives assigned to PSU shall be assigned as monitors for the specimen collection procedure utilizing a method approved by the Prosecutor or designee that is consistent with the New Jersey Attorney General's Law Enforcement Drug Testing Manual.

2. Monitors shall always be of the same sex as the individual being tested. If a monitor of the same sex is not immediately available, a Morris County

Prosecutor's Office detective supervisor, regardless of assignment, of the same sex shall be designated as the monitor for the specific test.

B. The monitors of the specimen acquisition shall be responsible for:

1. Prior to the collection, ensuring that all relevant documents are properly and accurately completed by the individual submitting the specimens. Where applicable, these forms include the DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGEMENT form, the DRUG TESTING OFFICER AND ACKNOWEDGMENT form, and the DRUG TESTING MEDICATION INFORMATION form (Attachments). Note: Refer to section IX. E of this policy concerning the DRUG TESTING MEDICATION INFORMATION form and privacy.

2. Collecting the specimens in a manner that provides for individual privacy while ensuring the integrity of the specimens.

3. Complying with the Morris County Prosecutor's Office chain of custody procedures cited in MCPO Policy & Procedure Volume 5, Chapter 6, titled Evidence & Property Control.

C. Prior to the submission of a specimen, detective applicants shall complete the form consenting to the collection and analysis of their urine for illegal drugs, titled DRUG TESTING APPLICANT NOTICE AND ACKNOWLEDGEMENT. (Attachment)

1. Under the Americans with Disabilities Act, medical inquiries, including questions concerning medications cannot be used during the pre-employment stage, unless a positive test result requires an explanation. Applicants shall not complete the attached DRUG TESTING MEDICATION INFORMATION form prior to the submission of a specimen.

D. Drug testing of detective trainees shall also be conducted while the trainees attend the Division of Criminal Justice's Basic Course for Investigators or any Police Training Commission approved basic training course.

1. The detective trainee shall complete a DRUG TESTING TRAINEE NOTICE AND ACKNOWLEDGEMNT form and any other applicable forms disseminated by the training academy. (Attachment)

2. Forms shall be supplied by, and retained by the training academy.

E. Detectives who are drug tested shall complete a DRUG TESTING MEDICATION INFORMATION form, which shall clearly describe all medications, both prescription and over-the-counter (non-prescription), dietary supplements and nutritional supplements, that were ingested by the member in the past (14) days. Completion of this form shall occur prior to the submission of a urine specimen for testing. To ensure confidentiality, prior to delivering the form to the monitor, the detective shall seal the form in an envelope and write their unique identifier (Donor ID) on the outside over the seal of that same envelope.

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

1. Direct an individual 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.

X. SPECIMEN COLLECTION

A. Throughout the testing process, the identity of individual shall remain confidential. Individual specimens shall be identified throughout the process by the use of Donor ID numbers only. At no time shall an individual's name appear on any form or specimen container sent to the New Jersey State Toxicology Laboratory.

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

2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).

3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.

4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.

   a. The specimen containers shall be kept closed/unsealed at this time.

   b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.

5. The monitor instructs the donor to void a specimen of at least (45) mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.

6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within (4) minutes.

   a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the detective attempted to tamper with the collection.

   b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section B. “Shy Bladder” Procedure below)

7. The monitor instructs the donor to split the collected specimen into the specimen containers.

a. The donor opens both specimen containers and pours at least (30) mL of urine from the collection container in the primary specimen container and at least (15) mL of urine from the collection container in the secondary specimen container.

b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.

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

a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).

b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).

c. After the seals are placed on the specimen containers, the donor writes the collection date and their initials in the space provided on the security seals to certify that the specimen containers contain the specimens that they provided.

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

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

11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.

12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.

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

14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner.

B. “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 monitor until the monitor is satisfied that the donor cannot produce a specimen.

b. While under supervision, allow the donor to drink up to (40) ounces of fluids distributed reasonably over a period of up to (3) 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 (3) hours, with the approval of the Prosecutor or designee, the monitor may have the individual examined by a doctor from a medical facility contracted by Morris County to determine whether the inability to produce the specimens was the result of a medical or physical infirmity, or constituted a refusal to cooperate with the drug testing process.

C. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.

2. The split specimen will be maintained at the Laboratory for a minimum of (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.

3. The split specimen will be released by the Laboratory under the following circumstances:

a. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;

b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and

c. The agency is informed by the donor whose specimen tested positive that they wish to challenge the positive test result.

4. 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.

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

D. Individuals will urinate without the direct observation of the monitor unless there is a reason to believe that the individual will adulterate the specimens or otherwise compromise the integrity of the testing process. Under these circumstances, and with the approval by the Prosecutor or designee, the production of the specimens may be directly observed by the monitor after the facts have been reviewed and subsequently documented in writing supporting the belief that an individual may adulterate a specimen or compromise the integrity of the testing process.

1. All members of this Office shall be aware of N.J.S.A. 2C:36-10 concerning Defrauding of the administration of a drug test. Under this statute, to "defraud the administration of a drug test" means to submit a substance that purports to be from a person other than its actual source, or purports to have been excreted or collected at a time other than when it was actually excreted or collected, or to otherwise engage in conduct intended to produce a false or misleading outcome of a test for the presence of a chemical, drug or controlled dangerous substance, or a metabolite of a drug or controlled dangerous substance, in the human body.

2. If the monitor has a reasonable basis to believe that an applicant or member of this Office has defrauded or attempted to defraud the administration of a drug test, the monitor shall promptly report the matter to the Prosecutor and the Chief of Detectives via chain of command. The Chief of Detectives shall provide investigative direction at that time. The Prosecutor or designee shall determine if the NJ Division of Criminal Justice needs to be notified.

XI. SUBMISSION OF SPECIMENS TO THE LABORATORY

A. Except for pre-employment screening performed at a medical facility during a required physical examination, urinalyses shall be conducted by the NJ State Medical Examiner Toxicology Laboratory which shall be the sole facility used for the analysis of drug tests administered by the PSU.

B. Urine specimens shall typically be submitted to the Laboratory within (1) working day of collection. In the event specimens cannot be submitted to the laboratory within (1) working day of the collection, the specimen shall be stored in a secure refrigerator located in the Professional Standards Unit until delivery of the specimens on the following working day.

1. Delivery of specimens, the sealed DRUG TESTING MEDICATION INFORMATION form (Excluding Applicants), and the LAW ENFORCEMENT DRUG TESTING CUSTODY AND SUBMISSION form to the Laboratory shall be accomplished by a monitor or another detective assigned by a PSU supervisor.

XII. ANALYSIS OF SPECIMENS

A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the Laboratory. These procedures shall include, but are 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, the Prosecutor or designee may request that specimens be analyzed for the presence of anabolic steroids, which would be an additional cost to the MCPO.

1. The New Jersey State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:

a. Amphetamine/methamphetamine
b. Barbiturates
c. Benzodiazepine
d. Marijuana/Cannabis

e. Cocaine
f. Methadone
g. Phencyclidine
h. Opiates
i. Oxycodone / Oxymorphone
j. Anabolic Steroids (Upon Request)

XIII. DRUG TEST RESULTS

A. The Laboratory will typically notify the Morris County Prosecutor's Office of all drug test results in writing within (15) working days of the drug test. The Specialized Crimes Division Commander shall ensure that the Prosecutor and the Chief of Detectives are immediately advised of any positive test results for prima-facie illegal drugs.

B. As soon as practical, the Morris County Prosecutor's Office shall notify the member of the test result after receipt of the report from the Laboratory. Upon request, the individual may receive a copy of the laboratory report.

C. Under no circumstances will the Morris County Prosecutor's Office or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the Laboratory be re-tested.

XIV. RECORD KEEPING

A. The PSU shall maintain all records relating to the internal drug testing at the same level of confidentiality required for Internal Affairs files pursuant to the New Jersey Attorney General's Internal Affairs Policy and Procedures.

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

1. The identity of those ordered to submit urine samples.

2. The reason for that order.

3. The date the urine was collected.

4. The monitor of the urine collection process.

5. The chain of custody of the urine sample from the time it was collected until the time it was received by the New Jersey State Toxicology Laboratory.

6. The results of the drug testing.

7. Copies of notifications to the subject.

8. For any medicinal positive result, a copy of the applicable prescription.

9. For any positive results or refusal, appropriate documentation of the disciplinary action.

C. For random drug testing, the records shall also include, but not limited to the following information:

1. A description of the process used to randomly select employees for drug testing.

2. A copy of the complete roster of detectives.

3. A list of who was removed from the selection process and the reason why they were removed (Medical leave, Family leave, Military leave, etc.)

4. A copy of the document listing the identities of those selected for drug testing.

5. The date the selection process was administered.

6. A list of those who were actually tested.

7. The date(s) those employees were tested.

8. The identity of any collective bargaining unit member(s) who witnessed the selection process.

XV. CENTRAL DRUG REGISTRY

A. The Prosecutor, Chief of Detectives or a designee shall notify the Central Drug Registry of the identity of any Morris County Prosecutor's Office detective applicant, detective trainee, or detective who tests positive for the illegal use of drugs, or who refuse an order to submit a urine sample, or who refuse to submit to a drug test and who resign or retire in lieu of disciplinary action prior to the completion of final disciplinary action.

B. Notification to the Central Drug Registry shall be documented on the attached NOTIFICATION TO THE CENTRAL DRUG REGISTRY form and shall include the following information:

1. Name and address of the office along with the contact person;

2. Name of the individual who tested positive;

3. Last known address of the individual;

4. Date of birth;

5. Social Security number;

6. S.B.I. Number (if applicable);

7. Gender;

8. Race;

9. Eye color;

10. Substance for which the individual tested positive, 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 detective.

C. The certification section of the Central Drug Registry Notification Form must be completed by the Prosecutor or Chief of Detectives and notarized with a raised seal.

Notification shall be made to:

Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, NJ 08628-0068

D. Information contained in the Central Drug Registry may be released by the State Police only under the following circumstances:

1. In response to an inquiry from a law enforcement agency as part of the background investigation for prospective or newly appointed personnel; or

2. In response to a court order.

XVI. NOTIFICATIONS

A. Any member who is taking prescribed medication or over the counter medication that may affect job performance shall immediately report the same to the Prosecutor or designee. Refer to the Morris County Prosecutor's Office Rules & Regulations, Policy & Procedure Volume 1, Chapter 2, Section 2.3.8, titled Prescription Medication, for additional information.

B. Any member shall immediately report any evidence of suspected drug use by any other member of the Morris County Prosecutor's Office to their immediate supervisor. The supervisor shall immediately report the same to the Prosecutor or designee via the chain of command.

C. By January 31st of each year, the Prosecutor or designee shall submit all reports required by the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau, including but not limited to the following:

1. A report that includes a statement citing agencies under the authority of the Morris County Prosecutor that are in compliance with the New Jersey Attorney General Law Enforcement Directive 2018-2, and those that are not. The report shall not reveal the identity of tested personnel.

XVII. PUBLIC TRANSPARENCY

A. This Policy & Procedure shall be made available to the public upon request and posted on the Morris County Prosecutor's Office website.

B. Annual Drug Testing reports from this Office to the Attorney General shall be made available to the public upon request and posted on the Morris County Prosecutor's Office website.

XVIII. CONFIDENTIALITY

A. The identities of Morris County Prosecutor's Office personnel subject to drug testing, regardless of the testing result, are confidential and are NOT subject to public disclosure.

ATTACHMENT A

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

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

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

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

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

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

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

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

_____ _____

Signature of Applicant Date Signature of Witness Date

ATTACHMENT B

DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

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

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

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

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

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

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

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

_____ _____

Signature of Trainee Date Signature of Witness Date

ATTACHMENT C

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with _____, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

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

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

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

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

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

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

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

_____ _____

Signature of Officer Date Signature of Witness Date

ATTACHMENT D

DRUG TESTING MEDICATION INFORMATION

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

Check all that apply:

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

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Name of Medication	Date Last Taken
1		
2		
3		

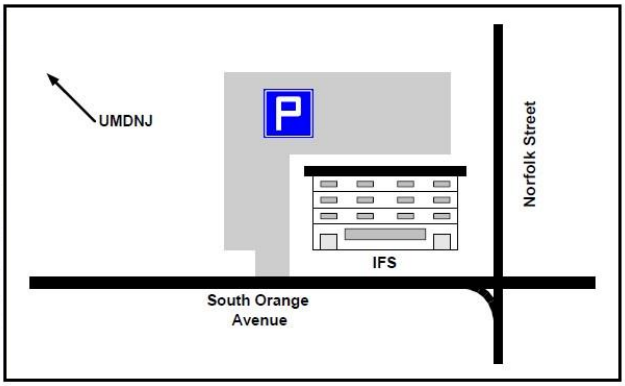
____ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

_____ _____

Donor ID and Initials Date

ATTACHMENT E

Directions to



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

From Garden State Parkway North:

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

From Garden State Parkway South:

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

From New Jersey Turnpike North:

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

From New Jersey Turnpike South:

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

ATTACHMENT F

NOTIFICATION TO THE CENTRAL DRUG REGISTRY

AGENCY SUBMITTING

AGENCY			PHONE	
ADDRESS	CITY		STATE	ZIP
CONTACT PERSON	TITLE		PHONE	

PERSON TO BE ENTERED

LAST NAME	FIRST NAME	INITIAL	GENDER	RACE	EYE COLOR

THIS PERSON WAS:
- ☐ APPLICANT
- ☐ TRAINEE
- ☐ SWORN OFFICER- RANDOM
- ☐ SWORN OFFICER- REASONABLE SUSPICION

ADDRESS		
CITY	STATE	ZIP
DOB	SSN	SBI NUMBER (IF KNOWN)

REASON FOR NOTIFICATION

THE PERSON LISTED ABOVE ☐ TESTED POSITIVE FOR _____
(IDENTIFY SUBSTANCE)

OR

☐ REFUSED TO SUBMIT A URINE SAMPLE

DATE OF THE DRUG TEST OR REFUSAL	DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY

CERTIFICATION *(Must be completed by Chief or Director. Must be notarized with raised seal)*

I hereby affirm that the above information is true and correct to the best of my knowledge.

_____ _____

Print Name *Title* *Signature*

Sworn and subscribed before me this _____day of _____, _____.

(Seal) _____

Mail to: Division of State Police
Records and Identification Section
P.O. Box 7068
West Trenton, New Jersey 08628-0068

MORRIS COUNTY PROSECUTOR'S OFFICE
Administration & Records Bldg.
P.O. Box 900
Morristown, New Jersey 07963-0900

Telephone: 973-285-6200
Fax: 973-285-6226
morriscountynj.gov/prosecutor
prosecutor@co.morris.nj.us

Drug Testing Non-Disclosure Agreement

1. I understand that I am representing my respective collective bargaining unit during the administration of the selection process for random drug testing at the Morris County Prosecutor's Office.

2. I understand that my only role is to serve as a witness.

3. I understand that all facets of the process are confidential and that the unauthorized disclosure of any associated information is a violation of policy that will subject me to commensurate discipline.

_____
Name of Representative

_____
Collective Bargaining Unit

_____
Signature

_____
Name of Selection Process Administrator

_____
Signature