

**COUNTY OF MORRIS  
OFFICE OF THE SHERIFF**

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**11:1 PURPOSE**

The purpose of this policy is to provide specific guidelines pertaining to the drug testing procedures utilized for applicants, trainees, and sworn Employees of the Morris County Sheriff's Office.

**11:2 POLICY**

The Sheriff recognizes that the menace posed by drug abuse has permeated all aspects of society leaving few people, if any, immune from its effects. Regrettably, this sometimes includes law enforcement. In order to maintain public trust and confidence, the Sheriff's Office has established a drug testing program which will help ensure a drug free law enforcement environment, while at the same time, safeguarding the rights of individual personnel.

## 11:3 PROCEDURES

### 11:3.1 Applicants for the Position of Sheriff's Officer

- 1) The following methods and procedures apply when an applicant for the position of Sheriff's Officer, who will be authorized to carry a firearm pursuant to 2C:39-6, submits to a drug test through urinalysis for the purpose of determining illegal use of drugs.
- 2) All advertisements and announcements of Sheriff's Officer positions will include notification that drug screening through urinalysis is mandatory during pre-employment and again during training. This notification will indicate that a negative result is a condition of employment both before and during the probationary appointment.
- 3) All applicants will be required to complete the following:
  - A. Submit two (2) urine samples at a time during the pre-employment background investigation.
  - B. Sign an Applicant Notice and Acknowledgment Form consenting to the sampling and testing of urine during the pre-employment screening process. This notice and acknowledgment will include notification that an applicant who produces a confirmed positive test result for illegal use of drugs will be:
    1. Rejected for employment;
    2. Included in a central registry maintained by the Division of State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement employment;
    3. Barred from obtaining sworn law enforcement employment for a period of two (2) years from the date of a positive confirmation test. If the applicant is employed in another sworn law enforcement position at the time he produces a positive test result, this agency will notify his law enforcement employer and the individual will be dismissed from that sworn law enforcement position and permanently barred from sworn law enforcement employment in New Jersey.

**\*NOTE:** This notice and acknowledgment will also include information indicating that applicants who refuse to submit to a drug test during the pre-employment process will be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for a period of two (2) years. In addition, the Morris County Sheriff's Office will forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

### **11:3.2 Trainees for Sworn Law Enforcement Positions**

- 1) The following methods and procedures apply when a Sheriff's Officer Trainee, who will be authorized to carry a firearm pursuant to 2C:39-6, submits to a drug test through urinalysis for the purpose of determining illegal use of drugs.
- 2) Trainees will be required to submit a urine sample for testing during academy attendance in accordance with the academy policy.
- 3) A trainee will be required to submit a urine sample for testing when there exists facts that provide a reasonable objective basis to suspect the trainee is illegally using drugs. A trainee will be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Sheriff or his designee or the Academy Director, which ever is appropriate, or someone acting in those capacities during their absence.
- 4) A Sheriff's Officer Trainee will sign a Trainee Notice and Acknowledgment Form consenting to the periodic unannounced sampling and testing of urine during attendance at a law enforcement academy. This notice and acknowledgment will include notification that a trainee who produces a confirmed positive test result for illegal use of drugs will be:
  - A. Dismissed from the academy and from employment with the Sheriff's Office;
  - B. Included in a central registry maintained by the Division of State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement employment; and
  - C. Permanently barred from sworn law enforcement employment in New Jersey.

**\*NOTE:** This notice and acknowledgment will also include information indicating that trainees who refuse to submit to a drug test during basic training will 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 will be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Morris County Sheriff's Office will forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

### **11:3.3 Sworn Sheriff's Officers - Based on Reasonable Suspicion**

- 1) Sworn Personnel will be ordered to submit to a drug test through urinalysis when there is reasonable suspicion to believe that the sworn employee is illegally using drugs.
- 2) Any sworn employee that has reasonable suspicion that another sworn employee is illegally using drugs, shall submit a memorandum documenting their concerns and observations to the Sheriff or his designee.
- 3) Urine specimens will not be ordered from a sworn employee without approval of the Sheriff or his designee.

- 4) Within twenty-four (24) hours of the administration of a drug test based on reasonable suspicion, the Sheriff or his designee shall provide a confidential written notice to the County Prosecutor or his designee.
- 5) A negative result is a condition of employment for sworn personnel. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, a positive result will result in the following:
  - A. Dismissed from employment with the Sheriff's Office;
  - B. Included in a central registry maintained by the Division of State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement employment;
  - C. Reported to the County Prosecutor; and
  - D. Permanently barred from sworn law enforcement employment in New Jersey.
- 6) In addition, the Officer will be notified that a refusal to submit to a drug test ordered in response to reasonable suspicion will be immediately suspended from employment. Upon finding that the Officer did in fact refuse to submit a sample, the Officer will be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Morris County Sheriff's Office will forward the Officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

#### **11:3.4 Random Drug Testing of Agency Sworn Personnel**

- 1) All sworn personnel are subject to random drug testing, regardless of position, rank or assignment.
- 2) At least ten percent (10%) of the Morris County Sheriff's Office's sworn personnel shall be selected each time random selection takes place. Random selection shall occur at a minimum semi-annually through the calendar year for a total of at least twenty percent (20%) of the Agency's sworn personnel.
- 3) If a randomly selected employee is scheduled off, sick, or otherwise unavailable on the date chosen for the random drug test, the sworn employee will be tested immediately upon return to duty.
- 4) Random selection shall be completed utilizing a web based SQL random name generator database which will ensure that every sworn employee has an equal chance to be selected for testing each and every time a selection takes place.
- 5) A representative of the respective collective negotiations units (P.B.A. Local 151) shall be permitted to witness the selection process.
- 6) Any sworn personnel who discloses the identity of an employee selected for random testing or the fact that random selection is scheduled to take place prior to the collection of the urine specimens will be subject to disciplinary action.

- 7) Urine specimens shall be collected from selected personnel in a prompt, efficient, and confidential manner.
- 8) In the event of a positive drug test by a sworn employee, that Sheriff's Office employee shall;
  - A. Be suspended from all duties immediately.
  - B. The Chief or his designee will provide a confidential written notice to the Morris County Prosecutor or a designee within twenty-four (24) hours.
  - C. Upon completion of any disciplinary action, the Sheriff's Office shall report the discipline to the Morris County Prosecutor or his designee.
  - D. Upon final disciplinary action, the sworn employee shall be terminated from employment as a law enforcement officer and shall be reported to the Central Drug Registry.
  - E. The sworn employee shall be permanently barred from future law enforcement employment in New Jersey.
- 9) In the event of a refusal of a Sheriff's Office sworn employee to take the drug test, the sworn employee shall;
  - A. Be immediately suspended from employment.
  - B. The Chief or his designee will provide a confidential written notice to the Morris County Prosecutor or a designee within twenty-four (24) hours.
  - C. Upon completion of any disciplinary action, the Sheriff's Office shall report the discipline to the Morris County Prosecutor or his designee.
  - D. Upon a finding that the sworn employee did in fact refuse to submit a sample, the sworn employee shall be terminated from law enforcement employment and shall be reported to the Central Drug Registry.
  - E. The sworn employee shall be permanently barred from future law enforcement employment in New Jersey.
  - F. A sworn employee 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.
- 10) By December 31<sup>st</sup> of each year, this Office shall submit a report to the Morris County Prosecutor or his designee of the dates of testing conducted that year, the total number of sworn personnel employed by the agency, the total number of sworn employees tested, and the total number of sworn employees who tested positive.

## 11:4 Specimen Acquisition and Testing Procedures

### 11:4.1 Specimen Acquisition Procedures

- 1) A member of the Professional Standards Unit will serve as the official monitor, and as such will be responsible for ensuring that all related forms, such as notice and acknowledgment forms, laboratory forms, and medical questionnaires, have been thoroughly and accurately completed by the sworn employee being tested. The monitor will always be of the same sex as the individual being tested. If a female sworn employee must be tested, a sworn female employee appointed by the Chief will act as the monitor for that individual.
- 2) Specimens will be collected in a tamper-proof container selected by the sworn employee from the Agency's equipment and supplies approved by the State Toxicology Laboratory.

**\*NOTE:** The acquisition of specimens for trainees will be conducted and monitored in accordance with the police academy procedures.

- 3) Prior to the submission of the sample, both the official monitor and the sworn employee will inspect the specimen bottle packet for indications of pre-void tampering.
- 4) The sworn employee being tested will complete the information requested on all related Sheriff's Office or laboratory forms and will put his social security number and date on the specimen bottle labels. The sworn employee will place the letter "A" on the first specimen bottle under his/her social security number. On the second specimen bottle, the sworn employee will place the letter "B" under his/her social security number. The monitor will then inspect the information for accuracy. On the medical information form, the monitor will only witness the sworn employee place his social security number and date and not review the medical information. One (1) copy of the form will be made and sealed in an envelope by the sworn employee. This will be retained with the other documents related to the specimen collection. Upon notification that the test was negative, the sealed envelope will be returned to the tested sworn employee. The original will be sealed in an envelope by the Officer and forwarded to the laboratory with the other documents.
- 5) Prior to the submission of a urine specimen, sworn employees and trainees will include information which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past fourteen (14) days.

**\*NOTE:** Throughout the entire acquisition process, the identity of the sworn Officer will remain confidential, as individual specimens will be identified by the use of social security numbers only.

- 6) Individuals that initially are unable to produce a urine specimen will remain under the supervision of the test monitor until they are able to provide a specimen. During this time, 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 will accompany the individual to Medical Services to determine whether the inability to produce a specimen was the result of a medical or physical disorder or if it should be considered a refusal to cooperate with the drug testing process.

- 7) Upon entering the bathroom, the individual being tested will be allowed to enter the bathroom stall alone and void approximately fifty (50) ml. of urine into the specimen bottle, secure the cap to the specimen bottle and surrender the specimen to the monitor. The monitor will stay outside the stall and remain alert to any evidence of specimen tampering on the part of the individual being tested.

**\*NOTE:** If the monitor reasonably believes that the individual has any intentions of adulterating the specimen or otherwise compromising the integrity of the test prior to providing a specimen, the monitor may directly observe the production of the specimen. If the monitor reasonably believes that the individual has adulterated the specimen once the specimen has been provided, the monitor may not accept the specimen and keep the individual being tested in the office until they are able to produce another specimen which may be directly observed. In either of these instances, the monitor must articulate his beliefs to the individual being tested and document the reasons and evidence leading him to this conclusion in a written report to the Sheriff or his designee.

- 8) It is mandatory that all sworn employees provide the monitor with a second urine specimen at the same time the first specimen is collected. This specimen will be collected in the same fashion as the first specimen.

- A. The sworn employee 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.

The second specimen will be maintained at the New Jersey State Toxicology Laboratory (NJSTL) for sixty (60) days following the receipt of a positive drug test from the laboratory by the submitting agency.

The second specimen will be released by the NJSTL under the following circumstances:

1. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
  2. The agency notifies the sworn employee that the first specimen tested positive for a controlled substance; and
  3. The agency is informed by the sworn employee whose specimen tested positive that he/she wishes to challenge the positive result.
- B. The sworn employee with the positive urine 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. (The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request).
- C. 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.

- D. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the sworn employee, to the submitting agency, and to the medical review officer.

#### **11:4.2 Control of Acquired Specimens**

Upon taking control of each specimen from the individual being tested, the monitor will secure each specimen into the controlled access refrigerator located in the Professional Standards Office area until delivery to the State Toxicology Laboratory.

#### **11:4.3 Submission to the State Toxicology Laboratory**

- 1) The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement random drug tests. The Morris County Sheriff's Office will not use any other facility or laboratory for the purpose of analyzing urine specimens.
- 2) Urine specimens will be submitted in person by an Officer of the Professional Standards Unit to the State Toxicology Laboratory within one working day of their collection. In the event a specimen cannot be submitted within one working day of its collection, it will remain secured in the controlled access refrigerator located in the Professional Standards Unit office area until submission to the laboratory can take place.

#### **11:4.4 Analysis of Specimens by the State Toxicology Laboratory**

- 1) In the event a specimen is confirmed to be positive for a controlled substance, a medical review officer at the laboratory will compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct the Morris County Sheriff's Office to obtain further information from the individual being tested concerning the medications being listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer will issue a report indicating that specimen tested positive.
- 2) 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. Cannabinoids/Marijuana
  - E. Cocaine

F. Methadone

G. Phencyclidine

H. Opiates; and

I. Oxycodone/Oxymorphone

- 3) The analysis of each specimen will be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures will include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

## **11:5 Test Results**

### **11:5.1 Notification of Test Results**

- 1) The State Toxicology Laboratory will notify this agency of any positive test results from the specimens submitted by the Morris County Sheriff's Office for analysis. All reports of positive test results will be in writing.
- 2) It will be the policy of the Sheriff's Office to request written documentation on all specimens that test negative.
- 3) The State Toxicology Laboratory will not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- 4) The Morris County Sheriff's Office will notify the applicant, trainee or sworn employee of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the sworn employee may receive a copy of the laboratory report.

**\*NOTE:** Under no circumstances may the Morris County Sheriff's Office or an applicant or sworn employee thereof resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be re-tested.

- 5) Upon being informed of a positive test result, the sworn employee may request the release of the second sample by doing the following:
  - A. Notify the agency that he/she wishes to challenge the positive result.
  - B. 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.
  - C. Have a representative of the licensed clinical laboratory contact the Sheriff or his designee to arrange for the specimen to be turned over from the State Toxicology

Laboratory to the independent laboratory within sixty (60) days of the date the specimen was produced.

- D. Following testing, the independent lab will report the result of the second specimen drug test to the sworn employee, to the submitting agency and to the medical review officer.
- E. The Officer will be responsible for the cost of the analysis of the second specimen. In the event the second analysis is negative, the Sheriff's Office will reimburse the Officer.
- F. If the second analysis is negative, a thorough investigation will be conducted to determine the cause of the inconsistency. The findings of this investigation will determine if the officer will be subject to disciplinary action or termination.

## **11:6 Central Drug Registry\_ Notifications, Record Keeping, And Public Accessibility**

### **11:6.1 Notification Procedures**

- 1) It will be the responsibility of the Professional Standards Unit supervisor to notify the Central Drug Registry of the identity of the sworn employee, trainee or applicant who test positive for the illegal use of drugs or who refuse an order to submit a urine sample for testing purposes.
- 2) Notifications to the Central Drug Registry must include the following information for each individual being reported:
  - A. Name and address of this agency;
  - B. Name of the individual who tested positive or refused to submit a sample;
  - C. Last known address of the individual;
  - D. Date of birth of the individual;
  - E. Social security number of the individual;
  - F. SBI number (if applicable) of the individual;
  - G. Gender;
  - H. Race;
  - I. Eye color;
  - J. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  - K. Date of the drug test or refusal;
  - L. Date of dismissal from the agency; and

- M. Whether the individual was an applicant, trainee or sworn employee of the agency.
- 3) Notifications to the Central Drug Registry will be sent to the following address:
- Records and Identification Section
  - Division of State Police
  - Central Drug Registry
  - P.O. Box 7068
  - West Trenton, New Jersey 08628
- 4) Information contained in the Central Drug Registry may be released by the Division of State Police only under the following circumstances:
- A. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
  - B. In response to a court order.

### **11:6.2 Record Keeping**

- 1) The Professional Standards Unit will maintain all records relating to the drug testing of sworn employees in a secure file cabinet with controlled access.
- 2) For all agency drug testing, the records kept will include the following information:
  - A. The identity of those ordered to submit urine samples;
  - B. The reason for that order;
  - C. The date the urine sample 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. For any positive result, documentation from the sworn employee's physician that the medication was lawfully prescribed and does not render the sworn employee unfit for duty;
  - H. Copies of the notifications to the subject tested; and
  - I. Appropriate documentation of disciplinary action for any positive result or refusal to submit.

- 3) For random drug testing, the records will also include the following information:
  - A. A description of the process used to randomly select sworn employees for drug testing;
  - B. The date the selection was made;
  - C. Sworn employees present during the random selection process.
  - D. A copy of the document listing the identities of those selected for drug testing and where applicable, outlining the reasons why they were not tested;
  - E. A list of those who were actually tested; and
  - F. The date(s) those Officers were tested.

### **11:6.3 Public Accessibility and Confidentiality**

- 1) All random drug testing policies adopted by this Office shall be made available to the public upon request and shall be posted on the agency's website.
- 2) All written reports created or submitted for a drug test that identify specific sworn employees are confidential and not subject to public disclosure.

### **11:6.4 Forms and Documents**

- 1) The following forms from the New Jersey Attorney General's law enforcement drug testing policy will be utilized where applicable:
  - A. Drug testing applicant notice and acknowledgement form;
  - B. Drug testing medication information form;
  - C. Drug testing trainee notice and acknowledgment form;
  - D. Notification to the central drug registry.
- 2) All forms will be located on this Agency's network W drive.