



HILLSBOROUGH TOWNSHIP POLICE DEPARTMENT

Subject: Drug Testing	General Order No. 2001-62
To: All Sworn Personnel	Standard Operating Procedure No.
Dated: October 6, 2001	Special Order No.
Effective Date: Immediately	Training Notice No.
Revision Date: April 10, 2023	Personnel Order No.
References: AG Law Enforcement Law Enforcement Drug Testing Policy	Information Statement No.

TO: All Sworn Personnel
 FROM: Chief Michael McMahon
 SUBJECT: Drug Testing

I. INTRODUCTION 1

A. Purpose

The purpose of the General Order is to provide sworn personnel with the basis of and the procedures for the Department’s drug testing program.

B. Policy

In order to ensure the integrity of this Department and preserve public trust and confidence in fit and drug free law enforcement, all sworn personnel shall adhere to this General Order.

Drug testing, from the selection process forward and all records shall remain confidential. The respective information shall not be disclosed by those implementing the process.

II. APPLICABILITY

A. This General Order applies to the following.

1. Applicants

a. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State.

b. Trainees

(1) Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.

c. Sworn Personnel

(1) Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State.

III. GENERAL INFORMATION

A. Applicants

1. Applicants shall be required to submit urine specimens at any point during the pre-employment process as a condition of employment.

2. Applicants for employment may be tested as many times as the department deems necessary to ensure that the applicant is not engaged in illegal use of drugs.

B. Trainees

1. Trainees or academy recruits will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will be coordinated by the respective police academy.

2. Individual trainees may 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. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief of Police, or the Academy Director.

B. Sworn Officers

1. Urine specimens shall be collected from sworn law enforcement officers who have been randomly selected to submit to a drug test unless on extended leave.
 - a. Random selection shall be defined as a method of selection in which each sworn member of this department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
 - b. Refer to Addendum C for detailed Random Selection and testing procedures.
2. Urine specimens may be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs.
 - a. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief of Police.
3. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination.
 - a. The collection and analysis of these specimens are not governed by this General Order.

IV. DRUG TESTING PROCEDURES

A. Applicants

1. All applicants applying for law enforcement positions shall be informed of the mandatory pre-employment drug testing process via Attachment A.

B. Trainees

1. All trainees shall be informed of the mandatory drug testing process via Attachment B.
2. Drug testing conducted at a police academy will be governed by that entity's rules and regulations.

C. Sworn Officers - Random Drug Testing

1. All officers shall be informed of the mandatory drug testing process via this General Order and Attachment C.
2. **Prosecutor Approval**
 - a. Prior to implementing the random selection process the proposed procedures shall be submitted to the Prosecutor in writing for approval.
3. **Eligibility**
 - a. All sworn officers are eligible for random drug testing, regardless of rank or assignment.
4. **Frequency**
 - a. The random drug testing selection shall minimally occur twice during any twelve-month period.
5. **Number of Personnel to be Tested**
 - a. A minimum of 10% of the total number of officers shall be tested two times in any 12-month period.
6. **Individual Selected Not Available**
 - a. If an individual is randomly selected for drug testing and they are not available, (i.e., vacation, sick or other short term excused absence), he or she will provide a specimen on their next working day.
 - b. If the individual who has been randomly selected is on extended sick, medical, or family leave then the next officer on the list will be selected in their place.
7. **Refusal**
 - a. An officer who refuses to submit to a random drug test when randomly selected is subject to the same penalties as if he or she tested positive for illegal drug use.
 - b. Officers who resign or retire after receiving an order to submit a urine specimen for drug testing and who do not provide the specimen shall not be excused from the process and shall be deemed to have refused to submit to the drug test.

D. Sworn Officers - Reasonable Suspicion Testing

1. An officer may be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the officer's immediate supervisor and the Internal Affairs Division shall prepare a written report which documents the basis for the reasonable suspicion.
3. The report shall be reviewed by the Chief of Police or his designee, and the Somerset County Prosecutor before a reasonable suspicion test may be ordered.
 - a. Under emergent circumstances, approval may be given for a reasonable suspicion test based on a verbal report to the Chief of Police or the County Prosecutor.
4. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs.
 - a. Officers who resign or retire after receiving an order to submit a urine specimen for drug testing and who do not provide the specimen shall not be excused from the process and shall be deemed to have refused to submit to the drug test.

D. Reasonable Suspicion Testing for Cannabis Use

1. Consuming or being under the influence of cannabis while at work or during work hours is strictly prohibited. Officers shall be tested for the following situations:
 - a. Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
 - b. Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's duties.
2. In the above situation, the drug test shall include a physical evaluation by a Workplace Recognition Expert (Wire) to determine the officer's state of impairment and a urinalysis.

V. SPECIMEN ACQUISITION PROCEDURES

A. Monitor

1. The Chief of Police or designee shall designate a member of the Internal Affairs Division to serve as monitor of the specimen acquisition process.
 - a. The monitor shall always be of the same sex as the individual being tested.
 - (1) In the event there is no member of the same sex available, this Department shall request that a sworn member of the same sex from the Somerset County Prosecutor's Office or a same sex supervisor from another municipal law enforcement agency.
 - (2) The monitor of the specimen acquisition process shall be responsible for the following.
 - (a) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - (b) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - (c) Complying with chain of custody procedures established for the collection of urine specimens and the subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.

B. Applicants

1. Prior to the submission of a specimen, an applicant shall complete an Applicant Notice and Acknowledgement form (Attachment A) and a Drug Testing Medical Information form. (Attachment D)

C. Trainees

1. Prior to the submission of a specimen, a trainee shall complete the Trainee Notice and Acknowledgement form (Attachment B) and a Drug Testing Medical Information Form (Attachment D).
3. The Donor shall date and initial the seal and write their unique identifier (Donor ID) on the envelope.

D. Officers

1. Prior to the submission of a urine specimen, officers shall complete an Officer Notice and Acknowledgement Form (attachment C) and Drug Testing Medical Information Form (attachment D).
2. The donor shall date and initial the seal and write their unique identifier (Donor ID) on the envelope.

*****DONOR ID WILL CONSIST OF AGENCY ORI NUMBER (NJ0181000, DONOR DOB (MMDDYY) AND DONOR LAST 4 DIGITS OF SSN# for Trainees and Officers*****

E. Specimen Collection (See AG Drug Testing Policy Addendum A, B, C)

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 (CFS).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen 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 the 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 to 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 degrees and 100 degrees F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either "Yes" or "No" box in the specimen collection section of the CFS. 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.

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 may 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 (See section V. Submission of Specimens for Analysis below).
15. Specimens shall be identified throughout the entire process using Donor ID number and the letter "A" (first specimen 30 ML) and Donor ID Numbers and the letter "B" (second specimen 15 ML)
16. Specimens shall only be collected utilizing supplies approved by the State Toxicology Laboratory.
17. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
18. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container.
19. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
20. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
21. Officers will void without the direct observation of the monitor unless there is reason to believe that the individual will alter the specimen or otherwise compromise the integrity of the test process.
 - a. The Internal Affairs Division shall document the facts underlying their belief that an individual may have altered a specimen or compromise the integrity of the test process.
 - b. The Chief of Police shall immediately be advised via chain of command of the observation of a compromised voiding process.

22. "SHY Bladder" Officers that initially are unable to produce a urine specimen may remain under the supervision of the monitor until the monitor is satisfied that the individual cannot produce a specimen.
- a. While the officer is under supervision, the monitor may allow the individual to up to 40 ounces of fluids in an attempt to induce the production of a specimen.
 - b. If the officer remains unable to provide a specimen after a reasonable period (three (3) hours), the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical condition or constituted a refusal to cooperate with the drug testing process.

23. Split Specimen

- a. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen tested. The first specimen will not be retested.
- b. The second specimen will be maintained at the State Toxicology Laboratory by the submitting agency.
- c. 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 donor that the first specimen tested positive for a controlled substance; and
 - (3) The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
- d. 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.

- (1) The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
- e. 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.
- f. 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 FOR ANALYSIS

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice is the sole facility for the analysis of law enforcement drug tests. (See attachment E)
- B. Urine specimens shall be submitted to the State Toxicology Laboratory as soon as possible after their collection.
 1. In the event a specimen cannot be submitted to the laboratory the same day of its collection, the specimen shall then be properly stored in a sealed blood box in the temporary evidence refrigerator located in the ID room until submission to the State Toxicology Laboratory can be made.
- C. Submission of specimens to the State Toxicology Laboratory will be accomplished by a member of the Internal Affairs Division or designee selected by the Chief of Police.
 1. If for some reason no one is available an independent commercial carrier may be used.
 2. Should the Chief of Police or designee choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken.
 - a. All submissions must be by "next day delivery".
 - b. In addition to the sealed containers, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

- c. The State Toxicology Lab will reject specimens that appear to have been tampered with.
 - (1) The State Toxicology Laboratory will reject specimens that appear to have been tampered with.

VII. ANALYSIS OF SPECIMENS

- A. The State Toxicology Laboratory is responsible for testing and analyzing urine specimens.
- B. The Laboratory will analyze each specimen for the following substances and metabolites.
 - 1. Amphetamine/methamphetamine
 - 2. Barbiturates
 - 3. Benzodiazepine
 - 4. Cocaine
 - 5. Methadone
 - 5. Phencyclidine
 - 6. Opiates
 - 7. Steroids
 - a. The Chief of Police may request that one or more specimens be analyzed for the presence of steroids
 - 8. Oxycodone/Oxymorphone
 - 9. Marijuana/Cannabis (only to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion sections.
- C. The analysis of each specimen will be done in accordance to procedures adopted by the State Toxicology Laboratory.

VIII. DRUG TEST RESULTS

- A. The State Toxicology Laboratory will notify the Chief of Police in writing of the tests results from within 15 working days of the submission.
 - 1. These results will be filed along with the other pertinent documentation within the Internal Affairs Division.
- B. The Chief of Police or designee will notify the applicant, trainee, or officer of the results of the test result as soon as practical after receipt of the report.
 - 1. Upon request, the individual may receive a copy of the laboratory report.

2. The department or an individual may not re-submit a specimen for testing or request that a particular specimen within the possession of the State Toxicology Laboratory be retested.

IX. CONSEQUENCE OF A POSITIVE TEST RESULT

- A. Applicant
 1. Refer to Attachment A
- B. Trainee
 1. Refer to Attachment B
- C. Officer
 1. Refer to Attachment C

X. RECORD KEEPING

- A. The Internal Affairs Unit shall maintain all records in sequential order relating to the drug testing of applicants, trainees, and officers.

XI. CENTRAL DRUG REGISTRY

- A. The Chief of Police or his designee shall notify the Central Drug Registry of the identity of applicants, trainees and officers who test positive for the illegal use of drugs or who refuse an order to submit a urine sample via Attachment F.

Previously issued policies and procedures that conflict with this General Order shall be considered null and void.

By order of,



Michael McMahon
Chief of Police

Attachments A-F

Addendums A, B, C

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 either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs or am under the influence of a controlled dangerous substance or cannabis during work/training hours.

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 or am under the influence of a controlled dangerous substance or cannabis during work hours.

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		

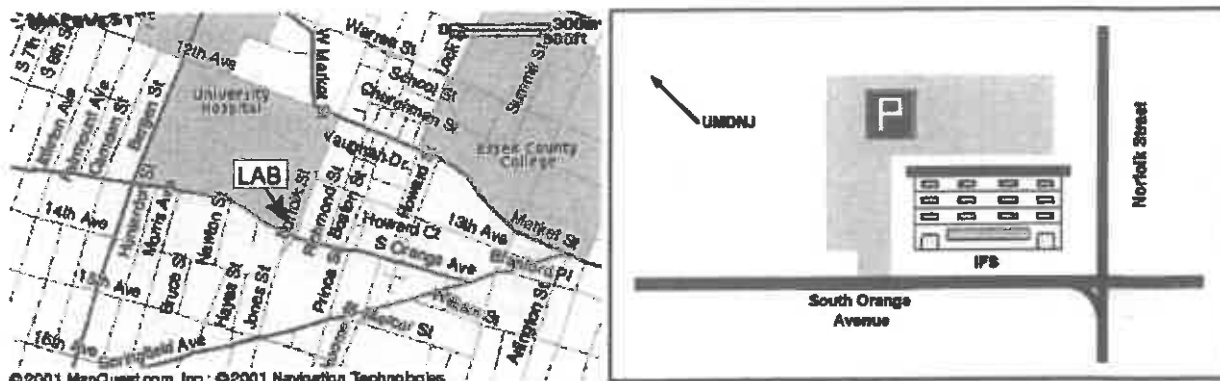
_____ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

_____ 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).

