

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

<b>SUBJECT:</b> <b>Drug Testing Policy &amp; Procedures</b>	<b>G.O. NO:</b> <b>2013-04</b>  <b>EFFECTIVE DATE:</b> <b>July 1, 2013</b>
<b>SUPERSEDES:</b> <b>G.O 99-3</b>	<b>DATE:</b> <b>June 21, 2013</b>

<b>I. Introduction</b>
<b>II. Policy</b>

**I. Introduction**

It is the obligation of the Essex County Sheriff's Office to ensure the ongoing integrity of the Department. This is essential to maintain the trust and confidence of the citizens we serve. In furtherance of this vital objective, this Office shall adopt the N.J Attorney General's Drug testing policies regarding law enforcement officers.

**II. Policy**

It will be the policy of the Essex County Sheriff's Office to apply this order to:

- 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 and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
- B. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
- C. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

This General Order shall consist of the following numbered sections:

- I. Eligibility for Drug Testing and Conditions*
- II. Notification of Drug Testing Procedures*
- III. Specimen Acquisition and Collection Procedures*
- IV. Submission of Specimens for Analysis*
- V. Analysis of Specimens*
- VI. Drug Test Results Notifications*
- VII. Consequences of Positive Test Results*
- VIII. Consequences of Refusal to submit to a Drug Test*
- IX. Record Keeping*
- X. Central Drug Registry Procedures*
- XI. Compliance and Effect of this Order*
- XII. Appendix A, B, C*

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

**I. Eligibility for Drug Testing and Conditions**

The following members of the Essex County Sheriff's Office shall be eligible for Drug Testing under the stated conditions:

**A. Applicants:**

All applicants for the position of Sheriff's Officer.

**B. Recruit Trainees**

Sheriff's Officer recruit trainees shall, under the control and at the direction of proper academy staff, shall submit one or more specimens for testing while attending the mandatory basic training course.

1. Recruit testing is conducted under the complete authority of the Police Academy.
2. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.
3. 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 trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

**C. Sworn Law Enforcement Officers**

**1. Reasonable Suspicion**

Urine specimens shall be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without approval of the county prosecutor or the chief executive officer of the officer's agency.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

2. Random Testing

Urine specimens may be ordered from law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

3. Medical Examination or Fitness for Duty Testing

Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these are not governed by this policy.

**II. Notification of Drug Testing Procedures**

A. Applicants

1. All applicants for the position of Sheriff's Officer shall be notified that the pre-employment process will include drug testing. The notification process will also indicate that a negative result is a condition of employment and that a positive result will:
  - a. Result in the applicant being dropped from consideration for employment.
  - b. Cause the applicants name to be reported to the central drug registry maintained by the Division of State Police.
  - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement in New Jersey.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

**B. Trainees**

1. All newly appointed Sheriff's Officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive test will result in:
  - a. The officer's termination from employment.
  - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police.
  - c. The officer being permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from law enforcement employment in New Jersey.

**C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing**

1. Reasonable Suspicion Testing
  - a. Individual officers shall be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
  - b. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the Internal Affairs Unit shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the Sheriff before a reasonable suspicion may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

2. A negative result is a condition of employment as a sworn officer and a positive test will result in:
  - a. The officer's termination from employment.
  - b. Inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police.
  - c. The officer being permanently barred from future law enforcement employment in New Jersey.
3. 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.

**D. Sworn Law Enforcement Officers: Random Drug Testing;**

1. Random Drug Testing
  - a. The Essex County Sheriff's Office shall conduct monthly random testing. A minimum of 10 officers will be selected for each testing period.
  - b. The Essex County Sheriff's Office Internal Affairs Unit shall administer all aspects of random drug testing. Randomness shall be ensured by utilization of a computer program which is designed to make selections on a random basis. The program shall insure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place. The following method shall be utilized to ensure complete randomness.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

1. The Commanding Officer of the Internal Affairs Unit shall conduct all aspects of the random drug testing selection process.
  2. The Commanding Officer of the Internal Affairs Unit shall use a computer program to randomly select the social security numbers of all sworn law enforcement officers.
  3. Once a month the Commanding Officer of the Internal Affairs Unit shall create a list of 10 randomly selected social security numbers.
  4. Upon selection, if the Commanding Officer of the Internal Affairs Unit is selected, the Commanding Officer shall notify the Sheriff or his designee. The Sheriff or his designee shall ensure that the commanding officer of Internal Affairs is immediately tested prior to anyone else on the list.
  5. In the event that any sworn law enforcement officer is not available for testing on the date that he/she is selected, that officer shall be tested immediately upon their return to work.
  6. In the event that any sworn law enforcement officer is selected and he/she is on any type of extended leave of absence for 30 days or more, the officer's name will be removed from the list and resubmitted.
- 
2. In accordance with the Attorney General's Guidelines, representatives of each department's collective bargaining unit within the Essex County Sheriff's Office shall be permitted to witness the selection process whenever they provide notice in a timely fashion.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

3. Any member of the Department who disclosed the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to charges and discipline.
4. Any officer who refuses to submit to a drug test when randomly selected is subject to the same penalties as those officers who test positive for the illegal use of drugs.

***III. Specimen Acquisition and Collection Procedures***

**A. Preliminary Acquisition Procedures**

1. The Internal Affairs Unit Commanding Officer shall designate a member of the unit's staff to serve as monitor of the specimen acquisition process during the testing of applicants and sworn law enforcement officers for reasonable suspicion. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available for collecting the specimens, a request that a member of the same sex from another division or unit of the Sheriff's Office to serve as monitor of the process shall be made.
2. All random drug testing of sworn law enforcement officers will be monitored by an officer or supervisor from Internal Affairs Unit.
3. The officer or supervisor monitoring the specimen acquisition process shall be responsible for:
  - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
  - c. Complying with chain of custody procedures established for collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the division of Criminal Justice for analysis.



**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

4. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will:
  - a. Result in the applicant being dropped from consideration for employment.
  - b. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police.
  - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.
  
5. Applicants shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
  
6. Prior to the submission of a urine specimen, a trainee enrolled in basic training course shall execute a form (Attachment C) advising the trainee that a negative result is a condition of employment and that a positive result will:
  - a. Result in the trainee being dismissed from basic training.
  - b. Cause the trainee to be dismissed from employment as a law enforcement officer by his or her appointing authority.
  - c. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police.
  - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

7. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 30 days.
8. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 30 days.

**B. Specimen Collections**

1. Throughout the test process, the identity of individual applicants, trainees and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Urine specimens will be acquired and processed in accordance with procedures by the State Toxicology Laboratory.
  - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container.
  - b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
  - c. Once the monitor is satisfied that the required documentation is accurate and he/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.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
  
5. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a medical doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
  
6. Trainees and sworn law enforcement officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
  - a. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
  
  - b. The law enforcement agency shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
  
  - c. The second specimen shall be released by the law enforcement agency under the following circumstances:

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

1. The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance.
  
2. The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have specimen independently tested.
  
3. The officer must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test.
  
4. A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

***IV. Submission of Specimens for Analysis***

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

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

2. Should the Sheriff's Office choose to have specimens delivered to the State Toxicology Laboratory by an outside agency, the following procedural safeguards must be taken:
  - a. All submissions must be by "next day delivery."
  - b. In addition to the sealed container, all submissions must be packaged in a manner that includes one additional seal to provide for the integrity of the test specimens.
  - c. The State Toxicology Laboratory must reject specimens that it has reasons to believe have been subject to tampering.

**V. Analysis of Specimens**

- A. The State Toxicology Laboratory is required to utilize the following test procedures to analyze urine specimens for law enforcement agencies:
  1. All specimens are subject to an initial test utilizing fluorescence polarization immunoassay analysis.
  2. Those specimens that test positive for a controlled substance following the fluorescence polarization immunoassay, shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled substance.
  3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography/mass spectrophotometry, a medical review officer at the laboratory shall 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 agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating the specimen tested positive.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

4. The State Toxicology Laboratory is required to analyze each specimen for the following substances and their metabolites:
  - a. Amphetamine/Methamphetamine
  - b. Barbiturates
  - c. Benzodiazepine
  - d. Cannabinoids
  - e. Cocaine
  - f. Methadone
  - g. Phencyclidine
  - h. Opiates
  
5. The Sheriff may request that one or more specimens be analyzed for the presence of steroids.
  
6. The analysis of each specimen is required to be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

**VI. Drug Test Results Notifications**

- A. The State Toxicology Laboratory shall notify the submitting law enforcement agency of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the agency within 15 working days of the submission. The State Toxicology Laboratory will, upon request, provide the submitting agency with written documentation that one or more specimens submitted for analysis tested negative.
  
- B. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

- C. The submitting agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
  
- D. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

***VII. Consequences of a Positive Test Result***

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by the Sheriff's Office.
  
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
  
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
  
  - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under those circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
  
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority;

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

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

**VIII. Consequences of a Refusal to Submit to a Drug Test**

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for a period of two years. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.



**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

- B. Trainees who refuse to submit to drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

***IX. Record Keeping***

- A. The Sheriff's Office Internal Affairs Unit shall maintain all records relating to the drug testing of applicant, trainees and law enforcement officers.
  
- B. The drug testing records shall include but not be limited to:
  - 1. For all drug testing:
    - a. The identity of those ordered to submit urine samples.
    - b. The reason for that order.
    - c. The date the urine was collected.
    - d. The monitor of the collection process.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

- e. The chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory.
  - f. The results of the drug testing.
  - g. Copies of notifications to the subject.
  - h. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty.
  - i. For any positive result or refusal, appropriate documentation of disciplinary action.
2. For random drug testing, the records will also include the following information:
- a. A description of the process used to randomly select officers for drug testing.
  - b. The date selection was made.
  - c. A copy of the document listing the identities of those selected for drug testing.
  - d. A list of those who were actually tested.
  - e. The date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

**X. Central Drug Registry**

A. The Sheriff's Office Internal Affairs commander or his designee shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample.

B. Notifications to the Central Drug Registry shall include the following information as to each individual:

1. Name and address of the submitting agency
2. Name of the individual who tested positive
3. Last known address of the individual
4. Date of birth
5. Social security number
6. SBI number (if applicable)
7. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample
8. Date of dismissal from agency
9. Whether the individual was an applicant, trainee, or sworn law enforcement officer

**ESSEX COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

C. Notifications to the central registry shall be sent to:

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

D. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

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


**XI. Compliance and Effect of this Order**

This Order supersedes any orders in conflict with its provisions and becomes part of the Rules and Regulations of the Department. All members of the department are to comply fully with its provision.

**XII. Appendix A, B, C:**

- A. Drug Testing Applicant Notice and Acknowledgment
- B. Drug Testing Medication Information
- C. Drug Testing Trainee Notice and Acknowledgement

By Order of:

  
Armando B. Fontoura  
Essex County Sheriff  
ABF/bd