

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



<b>SUBJECT:</b> <b>Drug Testing</b>	<b>G.O. NO:</b> <b>2021-01</b>  <b>EFFECTIVE DATE:</b> <b>February 9, 2021</b>
<b>SUPERSEDES:</b> <b>G.O. 2013-04</b> <b>References:</b> <b>AG's Law Enforcement Drug Testing Policy &amp; AG Directive 2018-02</b>	<b>DATE:</b> <b>February 11, 2021</b>

**Table of Contents**

<b>I. INTRODUCTION .....</b>	<b>1</b>
<b>II. APPLICABILITY .....</b>	<b>2</b>
<b>III. NOTIFICATION OF DRUG TESTING PROCEDURES .....</b>	<b>6</b>
<b>IV. SPECIMEN ACQUISITION PROCEDURES .....</b>	<b>8</b>
<b>V. SUBMISSION OF SPECIMENS FOR ANALYSIS .....</b>	<b>15</b>
<b>VI. ANALYSIS OF SPECIMENS .....</b>	<b>16</b>
<b>VII. DRUG TEST RESULTS .....</b>	<b>17</b>
<b>VIII. CONSEQUENCES OF A POSTIVE TEST RESULT .....</b>	<b>18</b>
<b>IX. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST .....</b>	<b>19</b>
<b>X. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION .....</b>	<b>20</b>
<b>XI. RECORD KEEPING .....</b>	<b>20</b>
<b>XII. CENTRAL DRUG REGISRTY .....</b>	<b>21</b>
<b>XIII. NOTIFICATION TO ESSEX COUNTY PROSECUTOR .....</b>	<b>23</b>
<b>XIV. COMPLAINCE AND EFFECT OF THIS ORDER .....</b>	<b>23</b>
<b>XV. ATTACHMENTS .....</b>	<b>23</b>

**I. INTRODUCTION**

It is the obligation of the Essex County Sheriff's Office (ECSO) 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, the ECSO shall adopt the N.J Attorney General's Drug Testing Policy.

The goal of this policy is deterring illegal drug use by Department sworn personnel. The policy provides the ECSO with a mechanism to identify and remove Department sworn personnel engaged in the illegal use of drugs. Because illegal drug use is inconsistent with duties, obligations and responsibilities of sworn personnel, the policy mandates that sworn personnel who test positive shall be terminated from employment.

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

**II. APPLICABILITY**

**A. Personnel**

1. 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.
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
3. Sworn law enforcement personnel who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C: 39-6.
4. This policy does not apply to civilian employees of the Department. Civilian employee drug testing policies and procedures are adopted by the County's Human Resource Policy and/or collective bargaining rights.

**B. Employment Status**

Drug testing may be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required for all law enforcement applicants and trainees. As per AG Directive 2018-02, the ECSO is required to implement a random drug testing program for all sworn personnel in the Department. Further, the Department has an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

**1. Applicant Testing**

All applicants for the position of a sworn law enforcement officer shall be drug tested as a condition of employment. Applicants can be tested at any point during the pre-employment process.

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

In addition, applicants for employment may be tested as many times as the Department deems necessary to ensure that the applicants are not engaged in illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.

During the pre-employment process, the ECSO shall comply with the provisions of the American Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

**2. Trainee Testing**

Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police training Commission.

Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, Sheriff, or the academy director.

**3. Officer Testing**

Department sworn officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

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

Department sworn officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only when the approval of the county prosecutor or Sheriff.

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

**C. Types of Testing**

**1. Random Testing**

Random drug testing of all Department sworn officers is required by AG Directive 2018-02. Random selection is defined as a method of selecting employees for drug testing in which every member of the Department, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the ECSO. AG Directive 2018-02 requires a minimum of ten percent of the sworn officers within the ECSO be randomly tested each time. The ECSO must perform the random test at least twice in every calendar year.

The ECSO Internal Affairs (IA) Unit shall administer all aspects of random drug testing. Randomness shall be ensured by the utilization of a computer program which is designed to make selections on a random basis. The program shall ensure that every sworn officer in the Department has an equal chance to be selected for testing each and every time a selection takes place.

The following method shall be utilized when conducting random drug testing:

- a. The IA Commander/designee shall conduct all aspects of the random drug testing selection process.
- b. The IA Commander/designee shall use a computer program to randomly select the social security numbers of all sworn officers.

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

- c. If the IA Commander is selected, the IA Commander shall notify the Sheriff. The Sheriff/designee shall ensure that the IA Commander is immediately tested prior to anyone else that has been selected from that list.
- d. Any sworn law enforcement officer selected for a random drug test that is not available for testing due to an approved extended leave and/or absence on the date they are selected shall be tested immediately upon their return. In the event, another random drug testing is conducted prior to that officer being tested, their social security numbers shall be reinstated in the computer program to ensure every member of the Department, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. Regardless of how many times a random drug testing selection is conducted prior to that officer returning to work, the officer is only required to test once upon their return to work.
- e. Representatives of each Department's collective bargaining unit within the ECSO shall be permitted to witness the selection process.
- f. Any member of the Department who discloses the identity of an officer selected for random drug testing or the fact that a random drug testing is scheduled to take place prior to the collection of crime specimens shall be subject to disciplinary action.
- g. Any sworn law enforcement officer who refuses to submit to a drug test when randomly selected is subject to the same penalties as a positive drug test result.

**2. Reasonable Suspicion**

The ECSO shall undertake drug testing when there is reasonable suspicion to believe a Department sworn law enforcement officer is engaged in the illegal use of controlled substances. Reasonable suspicion "requires objective facts which, with inference, would lead a reasonable person to conclude that drug related activity is taking or has taken place and that a particular individual is involved in that drug activity."

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

The reasonable suspicion standard is 'less demanding' than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the Department.

- a. The nature and source of the information;
- b. Whether the information constitutes direct evidence or is hearsay in nature;
- c. The reliability of the informant or source;
- d. Whether corroborating information exists and the degree to which it corroborates the accusation; and
- e. Whether and to what extent the information may be stale.

Moreover, before an officer may be ordered to submit to a drug test based on reasonable suspicion, the IA Commander/designee 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.

Any sworn law enforcement officer who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so is subject to the same penalties as a positive drug test result.

### **III. NOTIFICATION OF DRUG TESTING PROCEDURES**

#### **A. Applicants**

The ECSO shall notify applicants for law enforcement positions that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:

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

1. Result in the applicant being dropped from consideration for employment.
2. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
3. Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years from the date of drug test.

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 permanently barred from future law enforcement employment in New Jersey. Applicants shall be further informed that their refusal to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

**B. Trainees**

All newly appointed ECSO sworn law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:

1. The trainee being dismissed from basic training;
2. The trainee's termination from employment;
3. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
4. The trainee being permanently barred from future law enforcement employment in New Jersey.

Newly appointed officer shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the central drug registry maintained by the Division of State Police. As per the AG Law Enforcement Drug Testing Policy, each police academy shall include in its rules and regulations a provision implementing drug testing during basic training.

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

**C. Sworn Law Enforcement Officers**

Individual officers shall be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs as well as they are subject to mandatory random drug testing as outlined in *Section II: Applicability; Subsection C: Types of Testing*.

A negative result is a condition of employment as a sworn officer and that a positive result for an illegal substance shall result in the following:

1. The officer's termination from employment;
2. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and
3. The officer being permanently barred from future law enforcement employment in New Jersey.

Sworn law enforcement officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

**IV. SPECIMEN ACQUISITION PROCEDURES**

**A. Preliminary Acquisition Procedures**

1. The Internal Affairs Commander shall designate a member of the IA Unit's staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the Department, the ECSO may request that a member of the same gender from another law enforcement agency serve as monitor of the process.



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

2. Prior to 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 shall result in the consequences as outlined in *Section III: Notification of Drug Testing Procedures; Subsection A: Applicants*. Applicants are not required to complete a Drug Testing Medication information form at this time.
  
3. Prior to submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result shall result in the consequences outlined in *Section III: Notification of Drug Testing Procedures; Subsection B: Trainees*. The form shall also advise the trainee that the refusal to participate in the test process carries the same penalties as testing positive.

Trainees shall complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past fourteen (14) days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result shall result in the consequences outlined in *Section III: Notification of Drug Testing Procedures; Subsection C: Sworn law Enforcement Officers*. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive.

Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescriptions medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the officer during the past fourteen (14) days. The Drug Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the sea, and write their unique identifier (Donor ID) on the envelope

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

**B. Monitor's Responsibilities**

1. The member 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 (the donor).
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of donor identification numbers (Donor ID). At no time shall a name appear on any form or specimen container sent to the NJ State Medical Examiner Toxicology Laboratory.
  - c. Complying with chain of custody procedures established by the NJ State Medical Examiner Toxicology Laboratory for the collection and submission for analysis of urine specimens.
  - d. Specimens shall be collected utilizing split collection kits supplied by the NJ State Medical Examiner Toxicology Laboratory. Under no circumstances shall a specimen container be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. The IA Commander/designee shall be responsible to contact the NJ State Medical Examiner Toxicology Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
  - e. Collecting and submitting urine specimens in accordance with procedures established by the NJ State Medical Examiner Toxicology Laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
  - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters, etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.

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

- b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, the monitor must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

**C. Urine Specimen Collection Procedure**

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor completes the Department information, donor identification, and test information sections of the Custody and Submission Form (CSF).
3. The monitor allows the donor to select one (1) NJ State Medical Examiner 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 four (4) minutes.

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

- 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 officer 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 D: "Shy Bladder" Procedure).
7. The monitor instructs the donor to split the collected specimen into the 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 temper-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 the donor's initials in the space provided on the security seals to certify that the specimen containers contain the specimen that donor provided.

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

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 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*).
- D. "Shy Bladder" Procedure
1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
    - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
    - b. While the donor is under supervision, allow the donor to drink up to forty (40) ounces of fluids distributed reasonably over a period of up to three (3) hours in attempt to induce the production of a specimen.
    - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.

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

2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

**E. 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 NJ State Medical Examiner Toxicology Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the NJ State Medical Examiner Toxicology Laboratory by the ECSO.
3. The split specimen will be released by the NJ State Medical Examiner Toxicology Laboratory under the following circumstances:
  - a. The ECSO is notified by the NJ State Medical Examiner Toxicology Laboratory that the first specimen tested positive for a controlled dangerous substance;
  - b. The ECSO notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The ECSO is informed by the donor whose specimen tested positive that the donor wishes to challenge the positive test result.
4. 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 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 ECSO, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

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

**V. SUBMISSION OF SPECIMENS TO THE NEW JERSEY STATE MEDICAL EXAMINER TOXICOLOGY LABORATORY**

- A. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. The ECSO is not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by Department sworn law enforcement officers.
  
- B. Urine specimens should be submitted to the NJ State Medical Examiner Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the NJ State Medical Examiner Toxicology Laboratory within one (1) working day of collection, the IA Commander / designee shall store the specimens in a controlled access refrigerated storage area until submission to the NJ State Medical Examiner Toxicology Laboratory (Attachment E).
  
- C. Specimens may be submitted to the NJ State Medical Examiner Toxicology Laboratory by commercial courier using "next day delivery" or in person (appointments only).
  
- D. The NJ State Medical Examiner Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the NJ State Medical Examiner Toxicology Laboratory to delay conducting an analysis of the specimen or specimens until missing documentation is submitted.
  
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the NJ State Medical Examiner Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
  - 1. The NJ State Medical Examiner Toxicology Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the ECSO in writing with the reason for rejection clearly stated.

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

**VI. ANALYSIS OF SPECIMENS**

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the NJ State Medical Examiner Toxicology Laboratory. These procedures shall include but not 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 Sheriff may request that specimens be analyzed for the presence of steroids.
- B. The NJ State Medical Examiner Toxicology Laboratory drug testing procedures will screen specimens for the following controlled substances:
- Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cocaine
  - Marijuana/Cannabis
  - Methadone
  - Opiates
  - Oxycodone/Oxymorphone
  - Phencyclidine
- C. The NJ State Medical Examiner Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine (9) substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the NJ State Medical Examiner Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen.



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

The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the ECSO that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the ECSO, following notification from the NJ State Medical Examiner Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the donor during the fourteen (14) days prior to the specimen collection.

The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal, and write their Donor ID on the envelope. The IA Commander/designee is responsible for submitting the envelope to the NJ State Medical Examiner Toxicology Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

- F. In addition to testing outlined above, specimens submitted to the NJ State Medical Examiner Toxicology Laboratory may be tested for additional substances at the request of the ECSO submitting the specimen. The NJ State Medical Examiner Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused substances.

**VII. DRUG TEST RESULTS**

- A. The NJ State Medical Examiner Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within fifteen (15) working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.

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

- B. In some cases, the NJ State Medical Examiner Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the NJ State Medical Examiner Toxicology Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the ECSO to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including termination by the Department.
  
- C. Under no circumstances will the NJ State Medical Examiner Toxicology Laboratory provide the ECSO with verbal reports of drug test results. In addition, no individual or the ECSO may ask the NJ State Medical Examiner Toxicology Laboratory to conduct a second analysis of a specimen that has already been analyzed.

**VIII. CONSEQUENCES OF A POSITIVE TEST**

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by the ECSO.
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the ECSO.
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two (2) years.
  - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report the officer's 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 Training Commission:

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

1. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by the ECSO.
  2. Upon final disciplinary action by the ECSO, the trainee shall be terminated from employment as a law enforcement officer.
  3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
  4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all duties.
  2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  3. The officer shall be reported by the ECSO to the Central Drug Registry maintained by the Division of State Police.
  4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

**IX. 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 and barred from consideration for future law enforcement employment for period of two (2) years from the date of the refusal. In addition, the ECSO shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey.

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

In addition, the ECSO 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 ECSO shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

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

A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action, shall be reported by the ECSO to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

**XI. RECORD KEEPING**

- A. The Department Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
- B. The drug testing records shall include but not be limited to:
1. All drug testing:
    - a. the identity of those ordered to submit urine sample;
    - b. the reason for that order;

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

- c. the date and urine was collected;
  - d. the monitor of the collection process;
  - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the NJ State Medical Examiner 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. Random drug testing, the records shall also include the following information:
- a. a description of the process used to randomly select officers for drug testing;
  - b. the date selection was made;
  - c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.

**XII. CENTRAL DRUG REGISTRY**

- A. The IA Commander/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 refuse an order to submit to a drug test (Attachment F).

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

- B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the ECSO to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
1. Name and address of the ECSO, and 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. SBI number (if known);
  7. Gender;
  8. Race;
  9. Eye color;
  10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  11. Date of the drug test or refusal;
  12. Date of final dismissal or separation from the ECSO; and
  13. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification for must be completed by the Sheriff, and notarized with a raised seal.

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

E. 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

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

1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
2. In response to a court order.

**XIII. NOTIFICATION TO ESSEX COUNTY PROSECUTOR**

The IA Commander shall provide a confidential written notice to the Essex County Prosecutor/designee within ten (10) days for a positive drug test, a refusal to take a drug test, or administration of a reasonable suspicion drug test to an officer.

**XIV. 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 Essex County Sheriff's Office. All members of the Department rank and file are to fully comply with all provisions within this Order.

**XV. ATTACHMENTS**

- Attachment A: Applicant Notice and Acknowledgement
- Attachment B: Trainee Notice and Acknowledgement
- Attachment C: Officer Notice and Acknowledgement
- Attachment D: Drug testing Medication Information
- Attachment E: Directions to State Toxicology Laboratory
- Attachment F: Notification to the Central Drug Registry

By Order of:



Armando B. Fontoura  
Essex County Sheriff  
ABF/bd

**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		

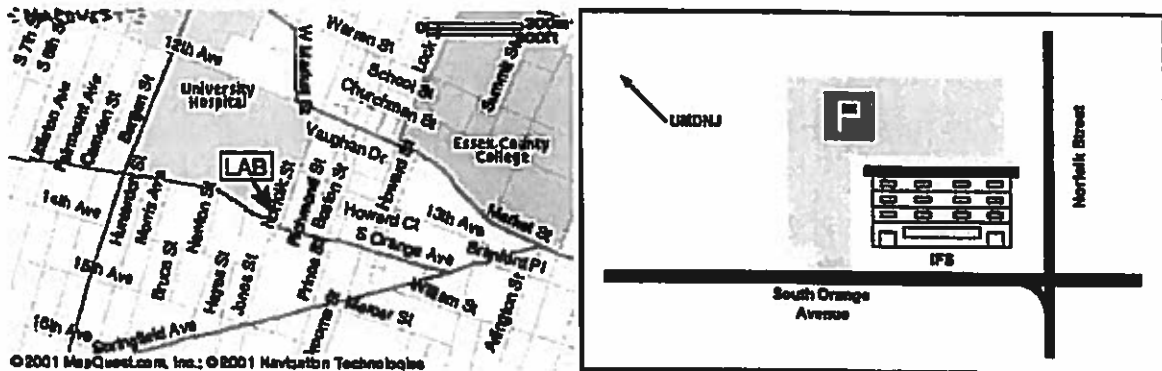
C. During the past 14 days, I have taken NO prescription or non-prescription medications.

\_\_\_\_\_  
Social Security Number 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).

