



**Verona Police Department
Policy & Procedures
RANDOM DRUG TESTING**

	Chapter: Five-Section 1		
Date (s):	Authority	General Order P&P 5:1	File #: VPD 5:1
Effective: 02/15/2011			
Revised: 08/06/2013			
Revised: 03/28/2018			
LEGAL REFERENCES:			
ACCREDITATION STANDARDS REFERENCES:			

Policy & Purpose

5:1-1 Purpose

The purpose of this Order is to conform to the revised Attorney General's Guidelines for Law Enforcement Drug Screening and to establish a Random Drug Testing Program.

5:1-2 Policy

Effective April 18, 2018 all sworn personnel within the Verona Police Department shall be subject to Random Drug Screening through urinalysis testing as set forth by the Guidelines of the Attorney General of the State of New Jersey.

5:1-3 Procedure

- A. Specimens: Urine specimens will be ordered from sworn law enforcement personnel who have been randomly selected to submit to a drug test. Random selection shall be defined as a method by which each and every sworn member of the Department, regardless of rank or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.
- B. Method of Selection: The Verona Police Department utilizes DrugPak[®] Drug Testing Management Software to randomly select the officers that are to be drug tested. The Drug Pak[®] software will be installed on a computer accessible only by the Police Chief or his designee. Each sworn member of the Department shall be entered into the DrugPak[®] software. When prompted, the DrugPak[®] software shall generate the identity of the officers to be tested.

- C. Number of Officers Selected, Number of Selections: A minimum of ten percent of sworn officers will be selected randomly twice a year to submit a specimen in accordance with Attorney General Directive No. 2018-2. The frequency and dates of selection shall be at the sole discretion of the Chief of Police.
- D. Verification and Documentation: A representative of the Verona Police Department collective bargaining unit may witness the selection process.
- E. Exemptions: There shall be no exemptions to the testing program. Officers off duty, on vacation, injured, or on medical or personal leave, who have been randomly selected, shall be tested immediately upon their return to duty.
- F. Disclosure: Any member who discloses 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 a specimen, shall be subject to disciplinary action according to the rules and regulations of the Department.
- G. Preliminary Acquisition Procedures:
 - 1. The Chief of Police shall designate a member of the staff to act as the monitor(s). The monitor(s) shall always be the same sex as the individual being tested. In the event of a conflict, the Chief of Police may request a monitor from another law enforcement agency.
 - 2. The monitor shall ensure that the individual being tested fully and accurately completes the appropriate documentation.
 - 3. The monitor shall collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the testing process.
 - 4. Officers shall provide a second specimen (a second sample), but same must be collected at the same time as the original.
 - a. The second specimen shall be collected in the same fashion as the first. The monitor shall take possession of the second specimen and place same in a secured refrigerated storage area.
 - b. The Department shall maintain possession of the second specimen for a period of at least sixty (60) days or until the Department receives notification from the State Toxicology Lab that specimen one tested negative for the presence of controlled substances.
 - c. The second specimen shall be released under the following circumstances:
 - I. The Department is notified by the State Toxicology Lab that the first specimen tested positive for controlled substances; and

- II. The Department is advised by the individual that tested positive that they wish to have the specimen tested independently; and
- III. The Department shall 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; and
- IV. A representative of said licensed clinical laboratory designated by the Department shall take possession of the second specimen in accordance with accepted chain of custody procedures.
- V. The chain of custody procedure established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to.

H. Submission of Specimens for Analysis

1. 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.
 2. 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.
 - a. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier.
 - b. Should a law enforcement agency choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
 - I. All submissions must be by "next day delivery."
 - II. In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.
 - III. The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.
- I. Medication Information: Officers randomly selected shall complete the "Drug Testing Medication" form provided by the monitor. (see attachment)

J. Consequence of a Positive Test Result:

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 if same is proved.
3. The officer shall be reported 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 the State of New Jersey.

K. Refusals/Resignation/Retirement: Officers who refuse to submit to drug testing or resign or retires in lieu of disciplinary action or prior to the completion of the final disciplinary action are subject to the same penalties as set forth in the case of a positive test result.

L. Notification: In the event of a positive drug test by an officer, or a refusal to take the drug test, or administration of a reasonable suspicion drug test to an officer, the Chief of Police of the Verona Police Department shall provide a confidential written notice to the County Prosecutor within 10 days. Upon completion of any disciplinary action, the Chief of Police of the Verona Police Department shall report the discipline to the County Prosecutor.

M. Record Keeping: The Verona Police Department's Internal Affairs Unit shall maintain all records relating to drug testing records of applicant, trainees and law enforcement officers. The Verona Police Department's 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
 - 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 if notifications to the subject
 - h. For any positive results, 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 dates(s) those officers were tested
- N. Central Drug Registry: Notification to the Central Drug Registry for a positive drug test for an applicant, trainee, or an officer shall include the following information
- a. Name and address of the submitting agency, and contact person
 - b. Name of the individual who tested positive
 - c. Last known address of the individual
 - d. Date of birth
 - e. Social security number
 - f. SBI number (if known)
 - g. Gender
 - h. Race
 - i. Eye color
 - j. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample
 - k. Date of the test refusal
 - l. Date of final dismissal or separation from the agency
 - m. Whether the individual was an applicant, trainee, or sworn law enforcement officer
- O. Miscellaneous: All other issues are referred, by reference, to the Drug Testing, Attorney General's Law Enforcement Drug Testing Policy, and Attorney General Law Enforcement Directive 2018-2.

5:1-4 Responsibility for Compliance

All personnel are responsible for complying with this Order. Supervisory and Command Officers are responsible for understanding and complying with this order. Inadequacies on the part of operating personnel reflect directly on Supervisors and Command Personnel.

5:1-5 Violations

Officers shall not commit or omit any acts that constitute a violation of any of the rules, regulations, or orders of the department, whether stated in the General Order or elsewhere.

5:1-6 Severability

If any section of this mandate is declared invalid for any reason in any court of competent jurisdiction, the remaining provisions shall not be affected.