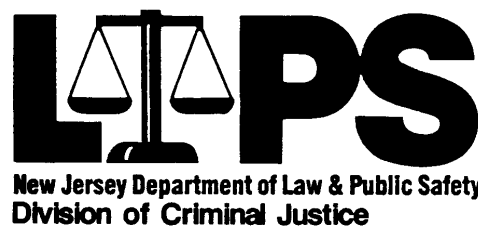




# Division of Criminal Justice Police Training Commission

## REVISED DRUG TESTING STANDARDS

**Effective Date: July 1, 2001**



## **POLICE TRAINING COMMISSION DRUG TESTING STANDARDS**

Commission-approved schools are required by N.J.A.C. 13:1-7.2(a)19 to conduct drug testing during basic training courses. The following standards shall govern the performance of these tests by Commission-approved schools.

### 1.0 *APPLICABILITY*

Commission-approved schools shall conduct drug testing during the following basic training courses:

- a) Basic Course for Police Officers
- b) Basic Course for Investigators
- c) Basic Course for Deputy Sheriffs
- d) Basic Course for Class Two Special Law Enforcement Officers
- e) Basic Firearms Course
- f) Basic Course for State Corrections Officers
- g) Basic Course for County Corrections Officers
- h) Basic Course for Juvenile Detention Officers
- l) Basic Course for Juvenile Corrections Officers
- j) Basic Course for Juvenile Parole Officers
- k) Basic Course for Parole Officers
- l) Basic Firearms Course for Deputy Conservation Officers
- m) Basic Firearms Course for Bank Guards
- n) Basic Firearms Course for SPCA Officers
- o) Basic Firearms Course for Security Guards at Nuclear Power Plants
- p) Basic Firearms Course for Federal Reserve Bank Guards
- q) Basic Firearms Course for Wildlife Control Representatives

## 2.0 PUBLICATION OF DRUG TESTING STANDARDS

Every commission-approved school shall post a copy of the commission's Drug Testing Standards on the school's bulletin board prior to the commencement of a basic training course. The standards shall remain posted for the duration of the basic course. Every trainee shall be entitled to a copy of the Drug Testing Standards upon request.

## 3.0 DRUG TESTING

Trainees will be required to submit one or more urine specimens for drug testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission and these standards.

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, or the chief executive officer of the trainee's agency, or the academy director.

### 3.1 Notice of drug testing

Every trainee shall be informed that drug testing is mandatory during basic training. All trainees shall also be informed that a negative result is a condition of continued attendance at the basic course and that a positive result will result in:

- a) the trainee's dismissal from the basic course;
- b) the trainee's termination from employment;
- c) inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
- d) the trainee being permanently barred from future law enforcement employment in New Jersey.

Trainees shall be further informed that the refusal to submit to a drug test shall result in their dismissal from the basic course, their termination from employment and a permanent ban from future law enforcement employment in New Jersey.

### 3.2 Written acknowledgment

Prior to the submission of a urine specimen, a trainee enrolled in a basic training

course shall execute a Trainee Notice and Acknowledgment Form (Attachment A) advising the trainee that a negative result is a condition of continued attendance at the basic course 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; and
- d) cause the trainee to be permanently barred from future law enforcement employment in New Jersey.

The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive for the illegal use of drugs.

#### 4.0 *LABORATORY*

The State Toxicology Laboratory shall be the sole facility authorized to conduct drug testing for trainees enrolled in a basic course at a Commission-approved school.

#### 5.0 *MEDICATION INFORMATION FORM*

Prior to the submission of a specimen, every trainee enrolled in a basic course shall complete a Medication Information Form (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.

#### 6.0 *SPECIMEN ACQUISITION PROCEDURES*

All specimens shall be acquired in accordance with accepted chain of custody procedures and protocol established by the State Toxicology Laboratory.

##### 6.1 *Monitor*

a. The school shall designate a member of its staff to serve as monitor of the specimen acquisition process. 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 from the school collecting the specimens, the school may request that a member of the same sex from another law enforcement agency serve as monitor of the process.

b. The monitor of the specimen acquisition process shall be responsible for:

1) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen;

2) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.

3) Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the State Toxicology Laboratory for analysis.

## 6.2 Specimen Acquisition

a) 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.

b) Urine specimens will be acquired and processed in accordance with procedures established by the Commission, the Division of Criminal Justice and the State Toxicology Laboratory.

1) After the monitor has inspected the appropriate forms for accuracy, the trainee shall void into the specimen collection container.

2) After a specimen has been produced, the trainee shall seal the specimen container and deliver it to the monitor.

3) Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.

4) Trainees will void without the direct observation of the monitor unless there is reason to believe that the trainee 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. Schools must document the facts underlying their belief that a trainee may adulterate a specimen or compromise the integrity of the test process.

5) Trainees that initially are unable to produce a urine specimen may remain under the supervision of the monitor until the monitor is satisfied that the trainee cannot produce a specimen. While the trainee is under supervision, the monitor may allow the trainee to drink fluids in an attempt to induce the production of a specimen. If the

trainee remains unable to provide a specimen after a reasonable period of time, the monitor may have the trainee 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.

## 7.0 *SPLIT SAMPLES*

Trainees shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.

### 7.1 *Acquisition and Retention*

- 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 school shall maintain possession of the second specimen for a period of 60 days or until the school receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.

### 7.2 *Release*

The second specimen shall be released by the school under the following circumstances:

- a) The school is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
- b) The school is informed by the trainee whose specimen tested positive that the trainee wishes to have the specimen independently tested;
- c) The trainee designates 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
- d) A representative of the licensed clinical laboratory designated by the trainee takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

## 8.0 *CONFIDENTIALITY*

Throughout the test process, the identity of individual trainees shall remain confidential. Individual specimens shall be identified throughout the process by the use

of social security numbers. At no time shall a trainee's name appear on any form or specimen container sent to the State Toxicology Laboratory.

## 9.0 *SPECIMEN SUBMISSION PROCEDURES*

All specimens shall be submitted to the State Toxicology Laboratory in accordance with accepted chain of custody procedures and protocol established by the Laboratory.

a) 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 school shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.

b) Submission of specimens to the State Toxicology Laboratory may be accomplished by school personnel or commercial courier. Should a school choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:

1) All submissions must be by "next day delivery."

2) In addition to a sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

c) The State Toxicology Laboratory may reject specimens that it has reason to believe have been damaged or subject to tampering.

## 10.0 *ANALYSIS OF SPECIMENS*

The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for law enforcement agencies:

### 10.1 *Initial Testing and Confirmation Testing*

a) All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.

b) 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.

## 10.2 Medical Review

a) 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 Medication Information Form submitted with the specimen to determine whether any substance listed on the form would explain the test result. The medical review officer may direct the school that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the form. In the event the form does not explain the test result, the medical review officer shall issue a report indicating that specimen tested positive.

## 10.3 Prohibited Substances

The State Toxicology Laboratory shall 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; and
- h) opiates.

## 10.4 Laboratory Procedures

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

## 11.0 *DRUG TEST RESULTS*

### 11.1 *Laboratory Notification*

The State Toxicology Laboratory shall notify a school 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 school within 15 working days of the submission. The State Toxicology Laboratory will, upon request, provide the school with written documentation that one or more specimens submitted for analysis tested negative.

### 11.2 *Trainee Notification*

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.

### 11.3 *Re-submissions or Re-testing*

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.

## 12.0 *SANCTIONS*

### 12.1 *Positive Test Results*

When a trainee tests positive for illegal drug use, the trainee shall be immediately dismissed from basic training and ordered to report to their employing agency. Contemporaneous with the trainee's dismissal from the basic course, the school director shall inform the trainee's employing agency of the reasons for the trainee's dismissal.

### 12.2 *Refusal to Undergo Test*

Trainees who refuse to submit to a drug test shall be immediately dismissed from basic training and ordered to report to their employing agency. Contemporaneous with the trainee's dismissal from the basic course, the school director shall inform the trainee's employing agency of the reasons for the trainee's dismissal.

## 13.0 *CENTRAL DRUG REGISTRY*

When directed to do so by the Commission, a school director shall report the

name and social security number of a trainee who either tested positive or refused to undergo a drug test to the Central Drug Registry maintained by the Division of State Police.

#### 14.0 *RECORD KEEPING*

Every school shall maintain the following records relating to the drug testing of trainees during a basic training course:

- a) the identity of those ordered to submit urine samples;
- b) the date the urine was collected;
- c) the monitor of the collection process;
- d) 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;
- e) the results of the drug testing;
- f) copies of notifications provided to trainees; and
- g) dismissal notices issued to individual trainees.

ATTACHMENT A

DRUG TESTING  
TRAINEE NOTICE AND ACKNOWLEDGMENT

I, \_\_\_\_\_ (name of trainee) \_\_\_\_\_, understand that as part of the program of training at \_\_\_\_\_ (name of school) \_\_\_\_\_, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative result is a condition of my continued attendance at the academy.

I understand that I can refuse to undergo the testing. I understand that if I refuse, I will be dismissed from the academy 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, 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 law enforcement employment.

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 I 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 B

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.

✓ 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.)

	Non-Prescription 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 & Initials

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date