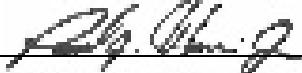
	NJ State Parole Board Policy and Procedure	
	Title:	Drug Testing
	Policy Number:	02.024
	Date Approved:	September 26, 2018
	Date Issued:	October 3, 2018
	Approved By:	Samuel J. Plumeri, Jr.
	Signature:	
	References: <u>N.J.S.A. 2C:36-10(a)</u> Attorney General's Law Enforcement Drug Testing Policy (Revised April 2018) 02.005 Recruitment and Selection Policy 02.007 Disciplinary Process Policy	

Drug Testing	
Purpose	<p>The purpose of this policy is to establish a comprehensive and uniform drug testing policy to ensure that the State Parole Board (SPB) law enforcement officers be held to the highest standard of conduct and integrity. SPB officers are tested in conformity with the Law Enforcement Drug Testing Policy established by the Attorney General of the State of New Jersey to ensure that SPB officers, Applicants and Parole Officer Recruits (PORs) are competent and fit for duty.</p>
Policy	<p>It is the responsibility of the SPB to ensure that the citizens of New Jersey have the full faith and confidence in law enforcement officers whose competency and integrity are beyond reproach. To fulfill that obligation, the SPB has implemented this policy to deter and detect illegal drug use by SPB officers that would undermine the integrity of the agency and threaten the safety of the public and SPB employees.</p>
Supersedes	<p>Drug Testing Human Resources Policy #W-024 issued April 2, 2003; Amended November 17, 2010</p>
Appendices	<p>02.024A – Drug Testing Parole Officer Recruit Notice and Acknowledgment 02.024B – Drug Testing SPB Officer Notice and Acknowledgement 02.024C – Order to Submit Specimen 02.024D – Reasonable Suspicion Acknowledgement Form 02.024E – Drug Testing Medication Information Form 02.024F – Continuity of Evidence Urine Specimen Form 02.024G – Drug Testing Summary 02.024H – Notification to the Central Drug Registry 02.024I – Law Enforcement Drug Testing (LEDT) – Chain of Custody</p>

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I. Definitions

- A. **Information Technology Unit (ITU):** The unit within the SPB responsible for establishing, monitoring and maintaining information technology systems and services, as well as, strategic planning to ensure that all information technology initiatives support SPB goals.
- B. **Office of Professional Standards (OPS):** The SPB Office of Professional Standards provides administrative, investigative, policy and training oversight and monitoring functions to assure and maintain the integrity of the SPB Division of Parole (N.J.S.A. 52:17B-222).
- C. **Parole Officer Recruit (POR):** The designated title of a SPB officer during their first year of service.
- D. **Parole Officer Recruit (POR) Applicant:** An individual who is in the process of applying for employment with the State Parole Board in the title of Parole Officer Recruit.
- E. **Personnel and Employment Unit (PEU):** The unit responsible for the processing of all personnel and employment related matters including, but not limited to, promotional and vacancy announcements, certifications, recruitment, classification, payroll, health and dental benefits, leaves of absence, equal employment opportunity issues, employee relations and the maintaining of all personnel, medical, American Disabilities Act, Workers’ Compensation and disciplinary records pertaining to SPB personnel.
- F. **SPB officer:** Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, employed by the SPB and is authorized to carry a firearm under N.J.S.A. 2C:39.

II. Confidentiality

- A. All SPB employees and contracted providers are required to maintain complete confidentiality with respect to all sensitive, personal or privileged information concerning drug testing. Drug testing for SPB officers, Parole Officer Recruits (PORs) and Applicants for employment as a POR involve the collection, examination and analysis of sensitive and personal information. Such information shall only be shared with authorized personnel involved in the drug testing process. Unauthorized disclosure of confidential information related to drug testing shall result in the initiation of disciplinary action pursuant to the Disciplinary Process Policy (P.N. 02.007).
- B. Any SPB employee who discloses the identity of the SPB officers or PORs selected for random drug testing shall be subject to disciplinary action.
- C. Any SPB employee who discloses the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action.

III. Applicability

This policy applies to SPB officers, PORs and Applicants for employment as a POR.

IV. Types of Drug Testing

- A. Applicants for employment as a Parole Officer Recruit.
 - 1. An Applicant shall be required to submit a urine specimen prior to employment.
- B. Parole Officer Recruits (PORs)
 - 1. A POR shall be required to submit (1) or more urine specimens for 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.
 - 2. A POR shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the POR is illegally using drugs. A POR shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Chairman or designee, or the police training academy director.
 - 3. A POR shall be included in the random drug testing process for SPB officers as they are hired as full time SPB employees while they are attending the designated police training academy.
- C. SPB officers
 - 1. A SPB officer shall be directed to provide a urine specimen when there exists reasonable suspicion to believe that the SPB officer is illegally using drugs. A urine specimen shall not be ordered from a SPB officer without the approval of the Chairman or designee.
 - 2. A SPB officer shall be directed to provide a urine specimen when randomly selected to submit to a drug test. Random selection shall be defined as a method of choice in which each and every SPB officer, regardless of position or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.

V. Notification of Drug Testing Procedures

- A. Applicants for employment as a Parole Officer Recruit
1. As a condition of the pre-employment process, Applicants shall submit to drug testing. The Applicant must achieve a negative result as a condition of the pre-employment process. A positive test will result in:
 - a. The Applicant being removed from consideration for employment.
 - b. The Applicant's name being reported to the Central Drug Registry maintained by the Division of State Police;
 - c. The Applicant being precluded from future law enforcement employment for a period of two (2) years from the date of the drug test; and
 - d. The Applicant's name and test result being reported to the Applicant's employing agency, if the Applicant is currently employed by another agency as a sworn law enforcement officer.
- B. Parole Officer Recruits (PORs) (Mandatory Basic Training Course)
1. All PORs shall submit to mandatory drug testing while they attend the mandatory basic training course. The PORs must achieve a negative result as a condition of employment. A positive test will result in:
 - a. The POR's immediate dismissal from the mandatory basic training course and suspension from employment;
 - b. The POR's termination from employment, upon final disciplinary action;
 - c. The POR's name being reported to the Central Drug Registry maintained by the Division of State Police; and
 - d. The POR being permanently barred from future law enforcement employment in New Jersey.
 2. A refusal by a POR to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement in New Jersey.
- C. SPB officers and PORs: Reasonable Suspicion Testing
1. SPB officers and PORs shall submit to a drug test as ordered, when there is a reasonable suspicion to believe that a SPB officer or POR is using or under the influence of illegal drugs.
 2. Approval by the Chairman or designee is required to order a SPB officer or Parole Officer Recruit to submit to a drug test based on reasonable suspicion.
 3. When such reasonable suspicion arises, the Director, Division of Parole, or designee or Director, Office of Professional Standards (OPS), or designee shall prepare a written report that documents the basis for the reasonable suspicion. The report shall be submitted to the Chairman or designee.
 - a. In the event a report is submitted by the Division of Parole, a copy shall be forwarded by the Division of Parole to the Director, OPS, or designee.
 4. Upon a determination by the Chairman or designee that reasonable cause exists, the Chairman or designee shall provide written documentation to the Director, OPS, or designee ordering the SPB officer or POR to submit to a drug test based on reasonable suspicion. The SPB officer or POR shall be contacted by OPS as soon as possible and be directed to immediately report to provide a urine specimen.
 5. The SPB officer or POR must achieve a negative result as a condition of employment. A positive test will result in:

- A. The SPB officer's or POR's immediate suspension from employment;
 - B. The SPB officer's or POR's termination from employment, upon final disciplinary action;
 - C. Inclusion of the SPB officer's or POR's name in the Central Drug Registry maintained by the Division of State Police; and
 - D. The SPB officer or POR being permanently barred from future law enforcement employment in New Jersey.
 1. The POR's name shall be permanently removed from the employment list.
6. Any SPB officer or POR who refuses to submit to a drug test based on reasonable suspicion after being ordered to do so shall be subject to the same penalties as those who test positive for the illegal use of drugs. A SPB officer or POR who resigns or retires after receiving an order to submit a urine specimen shall be deemed to have refused to submit to the drug test.
- D. SPB officers and PORs: Random Drug Testing
1. The SPB shall utilize a random drug-testing program for all SPB officers and PORs as defined below.
 - a. All SPB officers and PORs are eligible for random drug testing regardless of position or assignment.
 - b. Random drug testing shall be conducted two (2) times per calendar year. 55 SPB officers shall be selected each time.
 - c. The method of random selection shall be made through the use of a computer software program that produces an unbiased random selection of SPB officers and PORs to be tested based on the pool of all current personnel who are appointed as SPB officers and PORs.
 - d. The Personnel and Employment Unit (PEU) shall conduct the process of random selection using the designated computer software program. A representative from OPS shall be present and a SPB employee from the Information Technology Unit (IT) shall be present for technical support only.
 - e. The President or designee of each affected collective bargaining unit shall be notified by OPS in writing no less than two (2) business days prior to the scheduled random selection process and be given an opportunity to witness the random selection process.
 - f. The OPS designee shall document the date, the person(s) present during the selection process, the number of SPB officers and PORs used for the selection and the number of SPB officers and PORs selected.
 - g. The random selection sheet(s) shall be folded by PEU so as to not reveal the names of the SPB officers and PORs selected. All parties witnessing the selection process shall initial the back of each sheet of the random selection printout. A copy of the printout shall be placed in a sealed envelope. The envelope shall then be signed and dated by the parties witnessing the selection process.
 - h. SPB officers and PORs selected shall be notified by OPS. Upon receipt of such notice, the SPB officer or POR shall report immediately to the designated location in order to submit a urine specimen.

- i. A SPB officer or POR directed by OPS to submit a urine specimen shall provide the sample to the investigator. No SPB officer or POR has the right to delay the submission of the urine specimen for any reason, nor do they the right to have a union representative, attorney or any other person present at the time the specimen is provided.

VI. Specimen Acquisition Procedures

A. Preliminary Acquisition Procedures

1. OPS Investigators shall serve as monitors for SPB officers and PORs in all circumstances. Staff from the Police Training Commission (PTC) approved training academy for PORs shall serve as monitors for mandatory drug testing while in the academy. The monitor shall always be of the same sex as the individual being tested.
2. The monitor of the specimen acquisition process shall be responsible for:
 - A. Ensuring that all documentation is fully and accurately completed by the SPB officer or POR submitting the specimen;
 - B. Collecting a specimen in a manner that provides for the SPB officer's or POR's privacy while ensuring the integrity of the specimen; and
 - C. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the State Toxicology Laboratory for analysis.
3. The monitor shall verify the SPB officer's or POR's identity by reviewing the SPB officer's or POR's employee identification card.
4. The OPS Investigator shall verify the SPB officer's or POR's social security number.
5. The monitor shall request that an Applicant review, sign and date the POR Applicant Drug Testing Notice Form (02.005J). See Recruitment and Selection Policy (P.N. 02.005)
6. If a SPB officer or POR is directed to submit to random drug testing, the monitor shall request that the SPB officer or POR review, sign and date the Drug Testing Parole Officer Recruit Notice and Acknowledgment (02.024A) or Drug Testing SPB Officer Notice and Acknowledgement (02.024B), as applicable. The monitor shall sign and date the form as a witness.
7. If a SPB officer or POR is directed to submit to drug testing based on reasonable suspicion, the monitor shall request that the SPB officer or POR review, sign and date the Order to Submit Specimen (02.024C) and Reasonable Suspicion Acknowledgement Form (02.024D). The monitor shall sign and date the form as a witness.
8. Prior to the submission of a urine specimen, all SPB officers or PORs shall complete the Drug Testing Medication Information Form (02.024E) and enter their social security number and initials.
 - a. Applicants for employment as a POR are not required to complete the Drug Testing Medication Information Form (02.024E). In the event an Applicant tests positive they will be required to complete the Drug Testing

Medication Information Form (02.024E), which will be transmitted by an OPS employee to the State Toxicology Laboratory.

B. Specimen Collection

1. The identity of the SPB officer or POR shall remain confidential throughout the test process. Individual specimens shall be identified only by the use of social security numbers. A name shall not appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies provided by the State Toxicology Laboratory. Under no circumstance may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. As instructed by the monitor, the SPB officer or POR shall:
 - a. Select two (2) sealed specimen container kits and remove the labels.
 - b. Using a number two (2) pencil write their social security number (no name) and the letter "A" below the social security number on one (1) of the labels and place the label inside one of the specimen containers printed side out;
 - c. Using a number two (2) pencil write their social security number (no name) and the letter "B" below the social security number on one (1) of the labels and place the label inside one of the specimen containers printed side out;
 - d. Wash his/her hands with soap and water;
 - e. Void specimens between 45 mL and 60 mL into the specimen collection containers; and
 - i. SPB officers or PORs shall be permitted to void a specimen without the direct observation of the monitor unless there is reason to believe the SPB officer or POR will adulterate the specimen or otherwise compromise the integrity of the test process.
 - ii. If the monitor has reason to believe the SPB officer or POR will adulterate the specimen or otherwise compromise the integrity of the test process, the monitor shall document the facts underlying his/her belief that the SPB officer or POR may adulterate a specimen or compromise the integrity of the test process and submit same to the Director, OPS, or designee for review. If the Director, OPS, or designee concurs with the monitor's assessment, the Director, OPS, or designee shall forward the documentation to the Chairman or designee for review. If the Chairman or designee approves the request for direct observation, the SPB officer or POR shall be required to void a specimen in the presence and under the observation of the monitor.
 - f. Place the specimen containers on the table and seal the specimen containers by using the specimen container sealer.
4. The monitor shall check the specimens for adequate volume and temperature indicator strip on the specimen container within four (4) minutes. A color change between 90 degrees and 100 degrees Fahrenheit indicates an acceptable specimen temperature. If a temperate strip does not indicate the acceptable temperature, the monitor must consider the possibility that the SPB officer or POR attempted to tamper with the collection.

5. The monitor shall take possession of the specimens and place them in a secured refrigerated storage area once the monitor is satisfied that:
 - a. The required documentation is accurate;
 - b. The specimen container labels are legible; and
 - c. The specimens have been produced and have not been contaminated.
6. The monitor shall complete Section I. and II. of the Continuity of Evidence Urine Specimens Form (02.024F) and then the Law Enforcement Drug Testing – Chain of Custody Form (02.024I).
7. When the SPB officer or POR indicates that he/she is unable to provide urine specimens when ordered, the SPB officer or POR shall be given eight (8) hours to provide the specimens. The SPB officer or POR should be encouraged to consume water or other liquids while being restricted to the designated location, with the monitor, where the specimens will be voided. Failing to provide the urine specimens as required or leaving the specified area within an eight (8) hour time period shall constitute a refusal.
8. The monitor shall complete and sign the Drug Testing Summary (02.024G).

VII. Submission of Specimens for Analysis

- A. The State Toxicology Laboratory is designated as the sole facility for the analysis of law enforcement drug tests.
- B. An OPS Investigator or designee shall deliver the urine specimens, Drug Testing Medication Information Form (02.024E), and the original Law Enforcement Drug Testing – Chain of Custody Form (02.024I) to the State Toxicology Laboratory.
 1. Urine specimens shall be delivered to the State Toxicology Laboratory no later than 30 days after specimen collection.
 2. The urine specimens shall remain in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 3. The OPS Investigator or designee shall maintain the pink copy of the Law Enforcement Drug Testing – Chain of Custody Form (02.024I).
- C. Urine specimens will be tested by the State Toxicology Laboratory utilizing the procedures set forth in the Attorney General’s Law Enforcement Drug Testing Policy.

VIII. Drug Test Results

- A. The State Toxicology Laboratory shall notify the SPB of all test results from the specimens submitted for analysis.
- B. Upon receipt of a positive specimen, an OPS Investigator shall:
 1. Notify the SPB officer or POR of the results of a positive test as soon as practical after receipt of the report from the State Toxicology Laboratory;
 2. Provide the SPB officer or POR a copy of the laboratory report upon request; and
 3. Request that the SPB officer or POR provide within five (5) working days documentation from the necessary healthcare official(s) verifying that the SPB officer or POR had been prescribed medication; that the medication could produce the positive result; and that the medication does not render the SPB officer or POR unfit for duty.

- a. Failure to provide documentation from the necessary healthcare officials verifying that the medication that produced the positive result was prescribed to the SPB officer or POR and that the medication does not render the SPB officer or POR unfit for duty within five (5) working days will result in the initiation of disciplinary action.

IX. Second Specimen

- A. A SPB officer or POR whose second specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
- B. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the SPB.
- C. The second specimen will be released by the State Toxicology Laboratory under the following circumstances:
 1. The SPB is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 2. The SPB notified the SPB officer or POR that the first specimen tested positive for a controlled substance; and
 3. The SPB is informed by the SPB officer or POR whose specimen tested positive that he/she wishes to challenge the positive test result.
- D. The SPB officer or POR whose specimen tested positive must designate, from a list maintained by the State Toxicology Laboratory, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
 1. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
- E. The SPB officer or POR shall notify the Director, OPS, or designee of the name of the designated laboratory.
- F. 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 by the State Toxicology Laboratory to the designated laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
- G. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the SPB officer or POR, the SPB and to the medical review officer.

X. Consequences of a Positive Test Result

- A. Any Applicant who tests positive for illegal drug use shall be:
 1. Removed from consideration for employment;
 2. Reported by OPS to the Central Drug Registry maintained by the Division of State Police;
 3. Precluded from future law enforcement employment for a period of two (2) years from the date of the drug test; and

4. The Applicant's name and test result being reported to the Applicant's employing agency, if the Applicant is currently employed by another agency as a sworn law enforcement officer.
- B. Any POR enrolled in the agency approved Police Training Commission training program who tests positive for illegal drug use shall be:
1. Immediately dismissed from the Training Academy and suspended from employment;
 2. Terminated from employment, upon final disciplinary action;
 3. Reported by OPS to the Central Drug Registry maintained by the Division of State Police; and
 4. Barred permanently from future law enforcement employment in New Jersey.
- C. Any SPB officer or POR who tests positive for illegal drug use shall be:
1. Immediately suspended from employment;
 2. Terminated from employment, upon final disciplinary action;
 3. Reported by OPS to the Central Drug Registry maintained by the Division of State Police; and
 4. Barred permanently from future law enforcement employment in New Jersey.
- D. SPB officers or PORs who test positive for illegal drug use and who resign or retire in lieu of disciplinary action prior to the completion of final disciplinary action, shall be reported by the SPB to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XI. Consequences of a Refusal to Submit to a Drug Test

- A. Applicants for employment as a POR 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 (2) years from the date of the refusal. In addition, the SPB shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. PORs who refuse to submit to a drug test ordered in response to reasonable suspicion or the random selection process while they attend the mandatory basic training course shall be immediately dismissed from the mandatory basic training course and suspended from employment. Upon final disciplinary action, the POR shall be terminated from employment and permanently barred from future law enforcement employment in New Jersey. In addition, the SPB shall forward the POR's name to the Central Drug Registry maintained by the Division of State Police and note that the POR refused to submit to a drug test.
- C. SPB officers or PORs who refuse to submit to a drug test ordered in response to reasonable suspicion or the random selection process shall be immediately suspended from employment. Upon final disciplinary action, the SPB officer or POR shall be terminated from employment and permanently barred from future law enforcement employment in New Jersey. In addition, the SPB shall forward the SPB officer's or POR's name to the Central Drug Registry and note that the SPB officer or POR refused to submit to a drug test.

- D. SPB officers or PORs who refuse to submit to a drug test, and who resign or retire in lieu of disciplinary action prior to the completion of final disciplinary action, shall be reported by the SPB to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XII. Defraud Administration of a Drug Test

- A. Any person who knowingly defrauds the administration of a drug test that is administered as a condition of employment or continued employment as a law enforcement officer is guilty of a crime of the third degree.
- B. Pursuant to N.J.S.A. 2C:36-10(a), to defraud the administration of a drug test means to submit a substance that purports to be from a person other than its actual source, or purports to have been excreted or collected at a time other than when it was actually excreted or collected, or to otherwise engage in conduct intended to produce a false or misleading outcome of a test for the presence of a chemical, drug or controlled dangerous substance, or a metabolite of a drug or controlled dangerous substance, in the human body. It shall specifically include but shall not be limited to, the furnishing of urine with the purpose that the urine be submitted for urinalysis as a true specimen of a person.
- C. Any matter involving a SPB officer, POR or Applicant who in the assessment of the SPB knowingly defrauds the administration of a drug test pursuant to this policy, shall be referred by the SPB to the local law enforcement agency for the initiation of criminal prosecution.

XIII. Central Drug Registry Notification

- A. OPS shall notify the Central Drug Registry maintained by the Division of State Police of the identity of all Applicants, PORs and SPB officers who test positive for the illegal use of drugs or refuse an order to submit a urine sample.
- B. OPS shall complete the Notification to the Central Drug Registry (02.024H) and forward the form to the Chairman or designee for signature. This form must be notarized with a raised seal.
- C. Upon receipt of the signed and notarized form, OPS shall mail the form to the following address: 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 criminal justice agency as part of the background investigation process for prospective or new personnel.
 - 2. In response to a court order.

XIV. Annual Report

OPS shall submit a report to the Chairman or designee annually detailing all drug testing performed by the SPB during the previous year.

XV. Recordkeeping

- A. OPS shall maintain all records relating to positive drug screens of SPB officers indefinitely. All other records relating to drug testing of SPB officers and PORs shall be maintained for three (3) years. The SPB's drug testing records shall include, but not limited to:
1. The identity of those ordered to submit a urine specimen;
 2. The reason for that order;
 3. The date the urine specimen was collected;
 4. The identity of the monitor of the collection process;
 5. The chain of custody of the urine specimen from the time it was collected until the time it was received by the State Toxicology Laboratory;
 6. The results of the drug testing;
 7. Documentation relating to the disciplinary process initiated due to a positive drug test or a refusal to submit to a drug test; and
 8. All forms required pursuant to this policy.
- B. For random drug testing, the records shall also include the following information:
1. A description of the process used to randomly select SPB officers and PORs for drug testing;
 2. The date that the selection was made;
 3. A copy of the document listing the SPB officers and PORs selected for drug testing;
 4. A list of SPB officers and PORs who were actually tested; and
 5. The names of those individuals witnessing the random selection process.

Document History

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