



GENERAL ORDER		04-2021
Subject: Substance Abuse-Drug Testing Policy and Procedure Revision from General Order 05-2018		
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I. Purpose:

To ensure compliance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised 12/2020 and any subsequent revisions thereto, and to ensure the employment of only those sworn members and employees that are free from illegal drug use and/or all drug abuse; to protect the integrity of the Hudson County Sheriff's Office and its law enforcement function; to ensure the safety of the public and enhance the efficient and effective delivery of law enforcement services; and to acquaint all Hudson County Sheriff's Office personnel with this policy and to ensure that the employment rights of individual Hudson County Sheriff's Office personnel are protected.

This policy sets forth protocol and procedure for the uniform collection, submission, and analysis of drug test specimens at application stage, training stage, and during career stage through the use of random drug testing and reasonable suspicion drug testing. The policy also clearly defines penalties associated with a positive drug test result. By defining these penalties and enforcing the same, all law enforcement officers and applicants will have been informed of the State's policy regarding substance abuse in the law enforcement profession. This policy is based upon, and is consistent with, the New Jersey Attorney General's Law Enforcement Drug Testing Policy.

All members of the Hudson County Sheriff's Office are obligated to read, and understand all New Jersey Attorney General Guidelines and Policy Directive. O'Shea v. West Mildord clarifies that all AG Policies and Directive are to be followed and failure to do so, shall result in agency charges up to and including termination. As such, if there are any revisions in substance and or procedure in the Attorney General's Law Enforcement Drug Testing Policy, the Hudson County Sheriff's Office shall immediately adopt any such revisions, even if this policy is not immediately modified to reflect such revisions.

The provisions of this policy shall be subject to any limitations or requirements imposed by federal or state law. If any section of this policy is invalidated for being contrary to any law, precedent, or regulation, the remaining sections shall remain in full force and effect.

II. Definitions:

For the purpose of this policy, the following definitions will apply:

- A. Applicant:** A person who has applied for employment as a law enforcement officer and who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.
- B. Trainee:** An employee of the Hudson County Sheriff's Office subject to the Police Training Act who is attending, is scheduled to attend, or is in the process of being scheduled to attend a mandatory basic training course.

- C. Sworn Member:** An employee of the Hudson County Sheriff's Office who is responsible for the enforcement of the criminal laws of this State, comes under the jurisdiction of the Police Training Act, and is authorized to carry a firearm under N.J.S.A. 2C:39-6.
- D. Reasonable suspicion:** Reasonable Suspicion requires objective facts which, with inferences, would lead a reasonable person to conclude that drug related activity is taking place or has taken place and that a particular employee of the agency may be involved. It may be based on either direct observation, or on information heard or received from statements of a suspected officer, other officer, civilian employee, or citizens. The reasonable standard is less demanding than probable cause; therefore, the standard needed to satisfy the reasonable suspicion standard may be "less reliable" than that required to establish probable cause. If, at any point, a sworn member is unsure if reasonable suspicion exists, the reporting sworn member should contact either their supervisor or the Internal Affairs Unit. The following factors should be evaluated to determine the quality and relevance of the information required by the HCSO regarding reasonable suspicion testing.

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

III. Types of Drug Screening:

- A.** Applicants.
- B.** Trainee Testing.
- C.** Reasonable Suspicion Testing of Trainees and Sworn Law Enforcement Officers.
- D.** Random Testing of Trainees and Sworn Law Enforcement Officers.

1. Applicants.

The Hudson County Sheriff's Office shall test all applicants for employment as a sworn law enforcement officer during the pre-employment screening process. Applicants will be notified that pre-employment screening includes drug testing. Furthermore, applicants shall be informed that a positive result will result in:

- a.** Removal of the applicant from further consideration for employment with the Hudson County Sheriff's Office;
- b.** Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
- c.** Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years from the date of the drug test.
- d.** Applicants shall be informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

Additionally, the notification will include notice that if the applicant is currently employed as a sworn law enforcement officer by another agency and tests positive, the employing law enforcement agency will be notified.

2. Trainees.

Trainees shall be informed that drug testing is mandatory while attending the basic police training course at a certified police academy approved by the Police Training Commission. The testing of trainees while attending a basic police training course will be conducted by the Police Academy staff. Hudson County Sheriff's Office Trainees who have been appointed temporarily and have not been assigned to a police academy are subject fitness for duty exam if reasonable suspicion is developed which indicates substance abuse. Academy assigned trainees will be informed that a positive result or refusal to submit to a drug test at any time during their training will result in:

- a. Termination from employment;
- b. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
- c. The trainee being permanently barred from future law enforcement employment in New Jersey.

3. Sworn Members.

Sworn Members are to be informed that a negative result on any type of drug test, (random/reasonable suspicion) is, and shall be, a condition of continued employment with the Hudson County Sheriff's Office. Sworn members shall additionally be informed that a positive test for illegal drugs will result in:

- a. The sworn member being immediately suspended from all duties.
- b. The sworn member being administratively charged and, upon final disciplinary action, terminated from employment with the Hudson County Sheriff's Office.
- c. Inclusion of the sworn member's name in the Central Drug Registry maintained by the N.J. State Police.
- d. The sworn member being permanently barred from future law enforcement employment.

Any sworn member who refuses to submit to a drug test based on reasonable suspicion or random selection after being lawfully ordered to do so, or who submits an adulterated or tainted urine specimen shall be subject to the same penalties as those officers who test positive for illegal use of drugs. A sworn member who resigns or retires after receiving a lawful order to submit urine shall be deemed to have refused to submit to a drug test.

IV. Procedures

A. Applicants for employment as a sworn law enforcement officer

All applicants will be required to submit a urine specimen under the supervision of the Hudson County Sheriff's Office Training Bureau Commander or other designee as part of the applicant's pre-employment screening at any time during the pre-employment process. Additionally, applicants may be tested as many times as the Hudson County Sheriff's Office deems necessary, particularly if a significant amount of time has elapsed since the initial testing and assignment to state certified police academy. During pre-employment process, the HCSO must ensure that it complies with the provision of the Americans with Disability Act by refraining from making medical inquires. 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.

B. Law Enforcement Trainees

Law enforcement trainees will be required to submit, under the supervision of the Director of the Police Academy at which they are in attendance, one (1) or more urine specimens for testing while they are attending a mandatory basic training course or while they are receiving basic re-training. All drug testing conducted during basic or basic re-training will comply with rules/regulations established by the New Jersey Police Training Commission.

Individual trainees will also be required to submit a urine specimen for testing when there exists individualized reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to a reasonable suspicion drug test only with the approval of the County Prosecutor, Hudson County Sheriff, or the Director of the Police Academy the trainee is attending.

C. Sworn Law Enforcement Officers Reasonable Suspicion Testing

1. All sworn members of the Hudson County Sheriff's Office, regardless of rank or assignment, will be ordered to submit to a drug test whenever there is a reasonable individualized suspicion to believe that an officer is illegally using drugs.
2. All sworn members employed by the Hudson County Sheriff's Office, regardless of rank or assignment, have a basic duty to report to their direct supervisor, or other ranking officer, any use or suspicion of use of illegal drugs or drug abuse, whether on or off duty by any employee of the Hudson County Sheriff's Office, or other police agency in New Jersey. Any sworn members who knowingly fail to report suspected use of illegal drugs shall be subject to criminal charges and/or disciplinary action, which may result in termination from employment, notwithstanding that no other disciplinary history may exist.
3. It will be the Policy of the Hudson County Sheriff's Office that before any member is ordered to submit to a reasonable suspicion drug test, the unit commander, tour commander, or ranking supervisory officer shall prepare a written report which documents the facts and observations that form the basis for the reasonable suspicion. A verbal notification will be made forthwith by the ranking supervisor to the Internal Affairs Unit, who shall notify the Hudson County Sheriff or his designee.
4. A copy of the written report shall immediately be forwarded to, and reviewed by, the Hudson County Sheriff and the Hudson County Prosecutor or their designee before a reasonable suspicion test may be ordered.
5. Under emergent circumstances, or when necessary to maintain safety, health, order or effective delivery of agency services, approval may be given for a reasonable suspicion drug test on the basis of a verbal report. The report will be documented in writing as soon as possible. No reasonable suspicion drug test will be administered to any member of the Hudson County Sheriff's Office prior to approval of the Hudson County Sheriff or his designee.
6. Negative results on any test for illegal drugs shall be a condition of continued employment by the Hudson County Sheriff's Office. Positive results will result in termination of employment with the Hudson County Sheriff's Office.
7. Any sworn member who refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, or who submits an adulterated or tainted urine specimen, shall

be subject to the same penalties as those members who test positive for illegal use of drugs. Any member who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide a specimen shall be deemed to have refused to submit to the drug test.

8. Any sworn member required to submit to a reasonable suspicion drug test shall be immediately relieved from duty and escorted to a designated testing area.
9. After a sample is provided, the sworn member will not be permitted to return to duty, and or operate any Hudson County Sheriff's Office vehicles/equipment. The sworn member's firearm will be removed, and secured by the Internal Affairs Unit. Arrangements shall be made by the Internal Affairs Unit for transportation of the sworn member to their home. If the sworn member rejects transportation, the HSCO ranking supervisor shall take measures to prohibit the sworn member from operating a motor vehicle of any type.
10. Sworn members tested under reasonable suspicion shall be suspended with pay pending the test results. If the test results are negative, the sworn member shall be reinstated with full pay and entitlements. If the results are positive, the sworn member shall be suspended without pay and subject to dismissal.
11. Non-compliance with an order to submit to a reasonable suspicion drug test, to disclose and explain the nature of any suspected substance, to leave their assigned post or County facility, or any other reasonable request shall be viewed as insubordination, refusal, and /or other sufficient cause for discipline; and the sworn member shall be subject to discipline up to and including termination.

D. Sworn Law Enforcement Officers Random Drug Testing

All sworn members of the Hudson County Sheriff's Office, regardless of rank or assignment, shall be subject to the random, unannounced mandatory drug testing for illegal drugs. Testing will be under the direct supervision of the Internal Affairs Unit and with the authority of the Hudson County Sheriff or his designee.

1. The Hudson County Sheriff's Office, shall conduct, at a minimum, three (3) random drug screenings per calendar year. No less than 10 percent of total sworn members shall be randomly tested each time. In the event that scheduling, manpower, and/or workload does not permit the Internal Affairs Unit to conduct three random drug screenings per year, then the Internal Affairs Unit shall conduct no less than two (2) random drug screenings per calendar year.
2. The random selection process will be administered and conducted by two (2) members of the Internal Affairs Unit or designee using a computer-based random selection program. The program will include the names of all sworn members. As part of the random selection process, a list of alternate sworn members shall be generated simultaneously. The alternates will be used in the event a sworn member initially randomly selected for testing is not available due to a prior scheduled vacation, compensatory day off, military leave, suspension, or leave of absence. The alternate list shall be utilized to reach the original random total selected. Only those sworn members randomly selected by the computer shall be subject to random testing on the test date.

3. One representative of the collective bargaining unit(s) may witness the selection process. The Internal Affairs Unit will notify the collective bargaining unit(s) in a timely manner of the date, time, and location of the selection process. Failure of a collective bargaining representative to be present will not delay or postpone the random selection or testing process.
4. The Internal Affairs Unit will verify, document, and maintain a record of each selection process through the following:
 - a. The record of each process shall be signed by the person assigned to conduct the selection process;
 - b. co-signed by a witness;
 - c. co-signed by a collective bargaining representative, if any. If a member of the collective bargaining unit fails to participate in the observation process, it shall be indicated in the documentation; and
 - d. all random selection and drug testing records will be maintained as confidential records in the same manner as other Internal Affairs records pursuant to the Attorney General Guidelines.
5. Urine specimens from those sworn members selected shall be collected under the supervision of the Internal Affairs Unit or a trained designee in a prompt and confidential manner in accordance with the specimen acquisition procedures outlined in this policy, and shall then be processed for testing for illegal drugs.
6. Any sworn member who refuses to submit to a drug test when randomly selected is subject to the same penalties as those sworn members who test positive for illegal drugs. A sworn member who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen or attempts to provide an adulterated specimen shall be deemed to have refused to submit to the drug test.
7. The Hudson County Sheriff's Office method of random selection ensures that every sworn member in the agency has an equal chance of being selected. A sworn member who has been previously selected from the random selection process is not excused from future selection and test.
8. In the event of (1) a positive drug test by a sworn member, (2) a refusal by a sworn member to take the drug test, or (3) administration of a reasonable suspicion drug test to a sworn member, the Hudson County Sheriff, or his designee shall provide a confidential written notice to the Hudson County Prosecutor or his/her designee within ten (10) days. Upon completion of any disciplinary actions, the Hudson County Sheriff, or his/her designee shall report the discipline to the Hudson County Prosecutor or his/her designee.
9. It will be the procedure of the Hudson County Sheriff's Office, consistent with New Jersey Attorney General Law Enforcement Directive No. 2018-2, to provide a written notice to the Hudson County Prosecutor or his/her designee of the dates of testing conducted during the prior year, total number of sworn members employed by the Hudson County Sheriff's Office, the total number of sworn members tested, and the total number of sworn members (if any) who tested positive by December 31 (12/31) of each calendar year.
10. Any sworn member/trainee who is on a prescheduled personal day, vacation, or listed as sick/injured prior to the scheduled random selection process, shall not be tested during

that random selection process. In such cases, the alternates shall be substituted for these sworn members.

11. If a sworn member/trainee reports off sick/injured after his/her name has been randomly selected, the sworn member if ambulatory will be ordered to report to the HCSO IAU and submit a urine sample for testing.
12. If a sworn member is not ambulatory, two members from the HCSO, IAU, or their trained designees will respond to the sworn member's listed home address. The sworn member will then be given the option of providing a urine sample to the procurement team at home, or he/she will be transported by the procurement team to the HCSO Internal Affairs Unit, or an approved medical facility for specimen collection. Upon completion of specimen collection, the sworn member will be transported back to his/her residence. Except for advance medical documented reasons, failure to provide a urine specimen will be treated as a refusal. During this procedure, all sworn members shall be treated and afforded all due dignity and respect, so as not to cause embarrassment to the sworn member in front of family or love ones. All HCSO personnel will maintain current address and telephone numbers on file with the Internal Affairs Unit. Failure to maintain an accurate/current home address is a violation of Rule (2.15 Change in Address and Telephone Number) and shall result in agency charges up to and including termination.

If it is determined that traveling to a member home would compromise the health/safety of the member/family or urine procurement team, the selected member shall be replaced by a previously selected alternate. This shall be documented in writing, detailing the reasons for selecting an alternate and forwarded to the Hudson County Sheriff or his designee.

13. Any sworn member or employee of the Hudson County Sheriff's Office who discloses the identity of a sworn member selected for random drug testing or reasonable suspicion testing, or the fact that a random selection for drug testing is scheduled to take place prior to collection of urine specimens shall be subject to discipline up to, and including, termination and possible criminal charges.

14. Urine specimens may also be collected from HCSO personnel 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.

E. Acquisition Procedure for Specimen Collection for Applicants, Trainees, and Sworn Law Enforcement Officers.

1. Two members of the Internal Affairs Unit/Training Unit (applicants only) and two alternates (one male/one female) shall be designated to serve as the monitors of the actual specimen acquisition process. The monitor shall always be of the same gender as the sworn member being tested. In the event there is no sworn member of the same gender available from the Hudson County Sheriff's Office, the Hudson County Sheriff or his designee may request an employee of the same gender from another law enforcement agency to serve as the monitor.

Responsibilities of the Acquisition Monitor:

- a. Ensure that all documentation is fully and accurately completed by the individual submitting the specimen.
- b. As practicable, collect urine specimens in a manner that provides for individual dignity and privacy while protecting the integrity of the specimen and testing process.
- c. Comply with and protect the chain of custody procedures established for the collection of urine specimens and their submission to the State Toxicology Laboratory for analysis.
- d. Specimens shall be collected utilizing a split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
- e. Collecting and submitting urine specimens shall be in accordance with the NJ Medical Examiner Toxicology Laboratory Law Enforcement Drug Testing, Urine Specimen Collection Procedure as outlined in section "F".

2. Applicants.

Applicants testing shall be administered by designated members of the HCSO Training Unit or other designated monitors. Prior to the submission of a urine specimen, all applicants for employment as a sworn law enforcement officer shall execute a Drug Testing Applicant Notice and Acknowledgement form consenting to the collections and analysis of their urine for illegal drugs. The form will advise the applicant that a negative result is a condition of employment and that a positive result will result in:

- a. the applicant being disqualified from the employment process;
- b. the applicant's name being reported to the Central Drug Registry maintained by the New Jersey Division of State Police; and
- c. preclude the applicant from being considered for future law enforcement employment in New Jersey for a period of two years.
- d. In addition, applicants for employment may be tested as many times as is determined by the Hudson County Sheriff, or his designee.

To ensure compliance with the Americans with Disabilities Act (ADA), the Hudson County Sheriff's Office will not require applicants to complete a Drug Testing Medication Information Form prior to submission of a urine specimen.

However, ALL applicants may be required to complete a medical questionnaire if a positive test result is indicated by the State Toxicology Laboratory for a controlled dangerous substance. That drug testing medication information form shall then be submitted to the State Toxicology Laboratory after having been placed in sealed evidence envelope with his/her social number affixed to the front and his/her initials and date written on the sealed flap of the envelope. An applicant who refuses to submit a medical questionnaire after receiving notification of a positive drug test result shall be treated as a refusal and removed from the application process.

3. Trainees.

Prior to submission of a urine specimen, trainees enrolled in a basic police training course approved by the Police Training Commission shall execute a Drug Testing Trainee Notice and Acknowledgement form. The form will advise the trainees that a negative result is a condition of employment and that a positive result will in:

- a. dismissal from the basic police training academy;
- b. inclusion of the trainee's name in the Central Drug Registry maintained by the New Jersey Division of State Police;
- c. cause the trainee to be dismissed from the Hudson County Sheriff's Office; and
- d. being permanently barred from future law enforcement employment.

The form shall also advise the trainee that the refusal to participate in the test process will result in the same penalties as testing positive. All trainees shall complete the Drug Testing Medication Information form which clearly describes ALL medications, both prescription and over the counter, ingested in the past 14 days. This form will be placed in a sealed envelope with his/her social security number affixed on the front and his/her initials and date written on the sealed flap of the envelope.

4. Sworn Members.

Prior to the submission of a urine specimen, sworn members of the Hudson County Sheriff's Office shall complete a Drug Testing Medication form which clearly describes ALL medication, both prescription and over the counter, ingested in the past 14 days. This form will be placed into a sealed envelope with his/her social security number affixed on the front and his/her initials and date written on the sealed flap of the envelope.

F. Collection of Specimen.

1. Throughout the test process, the identity of all individuals being tested shall remain confidential. Individual specimens shall be identified throughout the process by use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a container that has not been approved by the State Toxicology Laboratory.
3. Every effort shall be made to ensure the privacy of the individual sworn member who has been directed to provide a specimen. However, it is the responsibility of the monitor to ensure the accuracy and integrity of the test. Therefore, a monitor may direct an individual officer who has been selected for drug test to remove outer clothing (jackets, etc.), empty their pockets, and wash their hands under running water. In addition, monitors may add tinting agents to toilet water. All urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory as follows:
 - a. The monitor shall require the test subject to complete the Drug Testing Medication Information Form. The test subject shall list on this form all prescribed and over the counter medications or drugs he/she has ingested in the past 14 days. After the monitor inspects the form for accuracy, the monitor shall provide the test subject with the appropriate number of sealable urine specimen

bottles that have been approved and supplied by the New Jersey State Toxicology Laboratory. Two (2) specimen bottles shall be provided to all test subjects, including applicants. The test subject shall then complete a specimen label for each bottle provided by using an ordinary pencil. The test subject shall print his/her social security number and the letter "A" below the social security number on one of the I.D. labels, as well as his/her initials, the monitor's initials, date, and time on the label. The test subject will then place one label inside one of the specimen bottles provided with the printed side of the label facing outward, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively. Next, using an ordinary pencil, the test subject writes his/her social security number and the letter "B" below the social security number on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen" respectively.

- b.** All test subjects shall provide two urine specimen samples between 45 ml. and 60ml. into each of the two (A & B) urine specimen collections containers provided, shall not flush the toilet, and shall return both specimens to the monitor immediately after the specimens are produced. Each test subject shall provide a urine sample into the collection containers without the direct observation of any other test subject or person, except, when necessary, in the presence of the monitor. After providing the urine sample, the test subject shall seal each specimen container by placing it on a solid flat surface and firmly pressing down on the lid until the seal fully engages, thus ensuring the integrity of the specimen. The test subject shall then return (1) the completed Drug Testing Medication Information Form, enclosed in the sealed envelope with his/her initials, social security number, and date on the sealed flap; and (2) the sealed and identified urine specimen collection containers (A & B) to the monitor.
- c.** Upon receipt of the collection containers, and within four minutes, the monitor shall check the temperature control strip in each container to determine that the temperature of the specimen is at the acceptable level. A color change between 90° and 100° F indicates an acceptable specimen temperature. Once the monitor is satisfied that the required documentation is accurate, and he/she has inspected the specimen container(s) to determine that a specimen has been produced and that the specimen container(s) are properly identified and sealed, the monitor shall take possession of the specimen container(s).
- d.** The monitor will ensure that the specimens are delivered to the Supervising Internal Affairs Officer who shall ensure that all specimens are delivered to the New Jersey State Police Toxicology Laboratory for analysis in accordance with chain of custody procedures. The Internal Affairs Unit shall be responsible for ensuring that chain of custody procedures are followed in the collection, storage, and transport of specimens, and that the specimens are delivered to the State Toxicology Laboratory, when practicable, within (1) working day of their collection. The Supervising Internal Affairs Unit Officer shall secure the urine samples in a dedicated, controlled access, refrigerated storage area until both "A" & "B" samples can be delivered to the New Jersey State Toxicology Laboratory. In applicant testing, the Hudson County Sheriff's Office Training Unit, or their designee, shall be responsible for the collection, and chain of custody of all applicant specimens.
- e.** Individuals will void without direct observation of the monitor.

- f. 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 officer. If a monitor concludes direct observation is necessary, he or she 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.
- g. Individuals who are unable to produce a urine specimen (Shy Bladder) may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. Under supervision, the monitor may allow the individual to drink up to 40 ounces of fluids in a period of up to three hours in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen or refuses to drink fluids, after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process. If during this controlled observation period, the individual leaves the testing area without permission from the monitor, or submitting the requested specimen, that individual will be considered a refusal.
- h. Under no circumstances should multiple voids be combined to produce an adequate sample volume.
- i. **Second Specimen**
 - 1. In the event of a confirmed positive test result from the State Toxicology Laboratory, the sworn member whose specimen tested positive will be informed by the Hudson County Sheriff or his/her designee of the positive test results and the subject's right to have the second specimen tested at their expense.
 - 2. A subject whose specimen tested positive may only challenge the positive test results by having the second specimen independently tested. The first specimen will not be retested.
 - 3. 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 submitting agency.
 - 4. The second specimen will be released by the NJSTL under the following circumstances.
 - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance.
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance, and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test results.
 - 5. The positive donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration and accredited by the College of American

Pathologists to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.

6. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with the accepted chain of custody procedures, or the sample may be sent to the laboratory by pre-paid tracking mail.
7. Following testing of the second specimen, the independent laboratory will report the results of the second specimen drug test to the donor, to the submitting agency and to the medical review officer.

G. Submission of Specimens for Analysis.

1. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility to be used by the Hudson County Sheriff's Office for the analysis of drug testing. There shall be no other facility used for testing. Unless approved by the Attorney General of the State of New Jersey, no other facility will be used for the purpose of analyzing law enforcement urine specimens.
2. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection; when practicable, within one (1) 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 designated controlled access refrigerated storage area until the submission to the laboratory. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form, which are obtained from the lab and the sealed envelope containing the Medication Information Form.
3. Submission of specimen to the State Toxicology Laboratory may be accomplished by a Hudson County Sheriff's Office sworn member, or a designated commercial carrier. When utilizing a commercial carrier, the Hudson County Sheriff's Office Internal Affairs Unit will be responsible for the following procedural safeguards:
 - a. All submission must be next day delivery
 - b. In addition to the sealed container, all submission 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 shall reject specimens that it has reason to believe have been subject to tampering.

H. Analysis of Specimens

1. The analysis of the first specimen shall be done in accordance with the currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include, but not be limited to, security of the test specimens, chain of custody, initial screen and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test report. In addition to the control substances listed below, the Hudson County Sheriff, or his designee, may request that specimens be analyzed for the presence of steroids.
 - a. Amphetamine/methamphetamine

- b. Barbiturates
- c. Benzodiazepine
- d. cocaine
- e. Marijuana
- f. Methadone
- g. Opiates
- h. Oxycodone/Oxymorphone
- i. Phencyclidine

2. The State Toxicology Laboratory utilizes a two (2) stage procedure to analyze specimens.
3. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and/or specific type of testing.
4. 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.
5. When a specimen test positive at both the initial stage and the second stage. A medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. 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 agency 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 test positive due to a listed medication on the medication information form.
6. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant test positive, the HCSO, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form. Once the form has been completed, the HCSO will be responsible for transmitting the forms to the laboratory. A review of the forms will be conducted by the medical review officer as outlined above.
7. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the Hudson County Sheriff or his/her designee.

I. Drug Test Results

1. The State Toxicology Laboratory shall notify the Hudson County Sheriff's Office of the test result from the specimen submitted for analysis. All reports will be in writing and sent to the Hudson County Sheriff's Office within fifteen (15) working days of the completed test when practicable. Positive test result will be sent to the Hudson County Sheriff or his/her designee by certified mail. Under no circumstances will the State Toxicology Laboratory provide the HCSO with a verbal report.
2. In some cases the State Toxicology Laboratory will report a specimen tested positive for a particular substance and that the information on the medication information form explains the results.
3. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review

officer has reviewed the results of that test with the medical information questionnaire pertinent to that sample and test subject.

4. The Hudson County Sheriff's Office Internal Affairs Unit or designee shall notify the test subject of the results of a positive test result as soon as practicable after receipt of the report from the State Toxicology Laboratory. Upon request, the test subject will be provided with a copy of the laboratory report.
5. Under no circumstances may the Hudson County Sheriff's Office or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

J. Consequences of a Positive Drug Test Result

1. Applicant

- a. The applicant shall be immediately removed from consideration for employment by the Hudson County Sheriff's Office.
- b. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police
- c. The applicant shall be precluded from being considered for any future law enforcement employment in New Jersey for a period of two (2) years.
- d. Where the applicant is currently employed by another law enforcement agency as a sworn law enforcement officer, the Hudson County Sheriff's Office shall notify the current employing law enforcement agency of the positive test result.

2. Trainee

- a. The trainee shall be immediately dismissed from basic training and suspended from employment by the Hudson County Sheriff's Office.
- b. The trainee shall be immediately charged and upon final disciplinary action, the trainee shall be terminated from the Hudson County Sheriff's Office.
- c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police by the assigned police academy. The Hudson County Sheriff's Office's Training Unit, or designee, shall secure written confirmation from the police academy of this notification.
- d. The Hudson County Prosecutor's Office will be notified.
- e. The trainee shall be permanently barred from future law enforcement in New Jersey

3. Sworn Law Enforcement Officer

- a. The sworn member shall be immediately suspended from all duties without pay. The identification card, badge, agency issued equipment, and agency issued firearm will be taken into custody by the Internal Affairs Unit or designee.

b. The sworn member shall be administratively charged and upon final disciplinary action, terminated from employment as a sworn member of the Hudson County Sheriff's Office.

c. The sworn member shall be reported to the Central Drug Registry maintained by the New Jersey Division of State Police by the Hudson County Sheriff's Office Internal Affairs Unit or designee.

d. The Hudson County Prosecutor's Office will be notified.

e. The sworn member shall be permanently barred from future law enforcement in New Jersey.

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

1. Applicants.

a. Any applicant who refuses to submit to a drug test, or who submits an adulterated or tainted urine sample, during the pre-employment process shall be immediately removed from consideration for employment with the Hudson County Sheriff's Office, and shall be barred from consideration for future law enforcement employment for a period of two years.

b. The Hudson County Sheriff's Office shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

c. If the applicant is employed by another law enforcement agency, the Hudson County Sheriff or his/her designee will notify the applicant current law enforcement agency.

2. Trainees.

Any trainee who refuses to submit to a drug test during basic training or in-house training, or who submits an adulterated or tainted urine sample, shall be immediately removed from the academy and immediately suspended from employment. The trainee shall be administratively charged, and upon final disciplinary action, terminated from the Hudson County Sheriff's Office. The trainee shall also be permanently barred from future law enforcement employment in New Jersey. The Hudson County Sheriff's Office shall forward the name of the trainee to the Central Drug Registry and note that the individual refused to submit to a drug test.

3. Sworn Law Enforcement Officers.

a. Sworn members who refuse to submit a random or reasonable suspicion drug test, or who submit an adulterated or tainted urine sample, shall be immediately suspended from the Hudson County Sheriff's Office. The sworn member shall be administratively charged, and upon final disciplinary action, terminated from the Hudson County Sheriff's Office and permanently barred from future law enforcement employment in New Jersey. The Hudson County Sheriff's Office shall forward the name of the sworn member to the Central Drug Registry and Hudson County Prosecutor's Office and note that the individual refused to submit to a drug test.

b. A sworn member who tests positive for illegal drug use, or who, without a valid reason, refuses to submit to a drug test who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Hudson County Sheriff's Office to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

L. Record Keeping

1. The Hudson County Sheriff's Office Internal Affairs Unit shall maintain all drug testing records relating to the drug testing of all sworn members of the Hudson County Sheriff's Office. The Hudson County Sheriff's Office Training Unit shall maintain all drug testing records for applicants and trainees. Copies of applicant and trainee testing shall also be forwarded to the Internal Affairs Unit for consistency of record keeping.
2. The Hudson County Sheriff's Office Internal Affairs Unit records shall include, but not be limited to:
 - a. Identity of those ordered to submit urine samples.
 - b. The reason for that order.
 - c. Date of collection.
 - d. Name(s) of the monitor assigned to the collection process.
 - e. Chain of custody, time collected, time delivered, and date received by the State Toxicology Laboratory.
 - f. Condition of sample at time of delivery (sealed/opened).
 - g. Results of the drug test.
 - h. Copies of notification to the test subject.
 - i. 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.
 - j. For positive test or refusal, appropriate documentation of the disciplinary process.
3. For Random drug testing, the records shall also include the following information:
 - a. A description of the process used to randomly select sworn members.
 - b. The date of the random selection.
 - 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. Date of actual test.
4. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedure.

M. Central Drug Registry

1. The Hudson County Sheriff's Office Internal Affairs Unit or designee shall notify the Central Drug Registry 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 a urine sample on the prescribed form.
2. A sworn law enforcement officer who test positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary actions or prior to the completion of final disciplinary action, shall be reported by the HCSO to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

3. Notification to the Central Drug Registry shall include the following information as to each individual:
 - a. Name and address of the Hudson County Sheriff's Office
 - b. Name of individual who tested positive
 - c. Last known address of individual
 - d. Date of birth
 - e. Social Security number
 - f. SBI number (if applicable)
 - g. Gender
 - h. Race
 - i. Eye color
 - j. Substance the individual test positive for, or circumstance of the refusal to submit a urine sample
 - k. Date of dismissal or separation from the Hudson County Sheriff's Office
 - l. Whether the individual was an applicant, trainee, or sworn member
 - m. The certification sections of notification form must be completed by the Hudson County Sheriff or his designee and notarized with a raised seal.

4. Notification to the Central Drug Registry shall be sent to:

Division of New Jersey State Police
Division of Records
PO Box 7068
West Trenton, N.J. 08628

5. Information contained in the Central Drug Registry may be released by the New Jersey State Police only under the following:
 - a. In response to an inquiry from a criminal justice agency as part of the background investigation process for perspective or new personnel
 - b. In response to a court order.

Note: As per the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised 4/18, a law enforcement agency may request that urine specimens submitted to the State Toxicology Laboratory for analysis be examined for the presence of steroids. In addition, the policy now requires "officers who test positive for steroids or any other prescription medication submit to their employing agency documentation from the officer's physician which states that the substance was lawfully prescribed and does not render the officer unfit for duty."

This policy will be in effect on the date listed above and supersedes and suspends any existing policy in this area. All members of the agency will take cognizance of this policy and comply with same.

By Order of:


Hudson County Sheriff
FRANK X. SCHILLARI