

BURLINGTON COUNTY PROSECUTOR'S OFFICE



SOP: 31

Applicability: All Detectives

Issued By: Prosecutor Scott A. Coffina

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Subject: Drug Screening Procedures

of Pages: 17

31-1: PURPOSE

The illegal use of drugs is incompatible with service in law enforcement. The Burlington County Prosecutor's Office is committed to ensuring that sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling their responsibilities. They are expected to obey all laws and ordinances, including those concerning illegal use of drugs.

In accordance with Attorney General Law Enforcement Directive 2018-2, Mandatory Random Drug Testing (APPENDIX A) and the Attorney General's Law Enforcement Drug Testing Policy (APPENDIX B), the purpose of this policy is to safeguard the Burlington County Prosecutor's Office and members of the public from sworn law enforcement personnel who may engage in the illegal use of drugs and to provide a zero tolerance stance of illegal drug use by sworn law enforcement personnel.

31-2: DEFINITIONS

- A. Detective: A County Investigator holding the rank of Detective, Sergeant, Lieutenant, Captain or Chief.
- B. Active Duty Personnel: Employees of the Burlington County Prosecutor's Office not currently assigned to the Basic Course for Investigators or on approved Administrative, Family or Military Leave.

31-3: APPLICABILITY

- A. Personnel
 - 1. Applicants for a position of Detective who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6.

2. Detective trainees subject to the Police Training Act while they attend the Basic Course for Investigators.
3. Sworn members (Detectives) who have the authority to enforce the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm pursuant to N.J.S.A. 2C:39-6, regardless of their rank or assignment.

31-4: **POLICY**

It is the policy of this Office that applicants, trainees and Detectives are subject to urine testing for illegal drug use as follows:

A. Applicants

1. All prospective employees for the position of Detective shall be drug tested as a condition of employment at any point during the pre-employment process.
2. Applicants may be tested as many times as deemed necessary to ensure that the applicant is not engaged in the illegal use of drugs.
3. During the pre-employment process, the Drug Testing Medication Information form (APPENDIX C) shall not be used unless a positive test result requires an explanation by the prospective employee.

B. Detective Trainees

1. Detectives who are required to attend and successfully complete the Basic Course for Investigators are subject to drug testing during their attendance at training.

C. Detectives

Detectives are subject to drug testing:

1. When reasonable suspicion exists to believe that the Detective is illegally using drugs, or
2. When a Detective has been randomly selected to submit to a drug screen.

- D. It is the policy of this Office that a negative result is a continued condition of employment as a Detective. Any Detective who tests positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful order, shall be terminated from this agency.

31-5: TYPES OF DRUG TESTING

A. Reasonable Suspicion Testing

1. Urine specimens shall be ordered from a Detective when there exists reasonable suspicion that the Detective is illegally using drugs.
2. Upon a report from any source that a Detective may be illegally using drugs, the Special Investigations Unit Supervisor, Chief of Detectives and the Prosecutor shall immediately be notified.
3. Upon direction by the Prosecutor, the Special Investigations Unit will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
4. The Special Investigations Unit shall document their findings in a written report.
5. The written report shall be submitted to the Prosecutor for a determination if reasonable suspicion exists that a Detective has engaged in illegal drug use.
6. If the Prosecutor determines that reasonable suspicion of illegal drug use exists, the Detective shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below.
7. Under emergency circumstances, approval may be given by the Prosecutor for a reasonable suspicion test on the basis of a verbal report. In such a case, a written report shall be submitted not more than 72 hours after verbal approval.

B. Random Drug Screening

1. Random selection shall be defined as a method of selection in which each and every Detective of the Burlington County Prosecutor's Office, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
2. The method of random selection shall be as follows:

- a. The selection of Detectives for drug testing will be electronically determined. The Chief of Detectives will direct the Detective Supervisor of the Special Investigations Unit to generate a randomly selected list of names using the Special Investigations Unit Random Drug Screening Program. Once the list has been generated, the first active duty Detective listed shall be designated as #1. This sequence will be followed until the required number of names of active duty Detective personnel is selected.
 - b. The total number of random tests to be administered in a calendar year shall be equivalent to not less than 20% of the total number of Detectives in the Burlington County Prosecutor's Office. The Prosecutor shall have the discretion to modify the total number beyond 20% of the Detectives to be randomly selected for testing, as well as the total number of testing dates in any given year. At each selection process, a minimum of 10% of the total number of Detectives in the office will be selected for testing. Testing shall occur a minimum of two (2) times per calendar year.
3. The individuals who shall be present to verify the selection at the time of the random selection process shall include the Chief of Detectives, the Detective Supervisor of the Special Investigations Unit and a representative of the Investigative Collective Bargaining Unit.
 4. Any member of the Burlington County Prosecutor's Office who discloses the identity of a Detective selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to administrative discipline.

31-6: NOTIFICATION OF DRUG TESTING PROCEDURES

- A. Applicants
 1. This Office shall notify applicants for the position of Detective that the pre-employment process will include drug testing and that a negative result is a condition of employment.
 2. Applicants shall be notified that a positive result will:
 - a. Result in the applicant being dropped from consideration for employment;

- 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 years from the date of the drug registry.
- d. Notification will be made to the applicant after a conditional offer of employment has been extended and accepted (APPENDIX D).

B. Detective Trainees

- 1. Detective trainees shall be informed that drug testing is mandatory during their attendance at the Basic Course for Investigators.
- 2. Detective trainees shall be notified that a positive result will result in:
 - a. The applicant being dismissed from the Basic Course for Investigators;
 - b. The detective trainee's termination from employment;
 - c. Inclusion of the detective trainee's name in the Central Drug Registry maintained by the Division of State Police; and
 - d. Being permanently barred from future law enforcement employment in the New Jersey.
- 3. Detective trainees shall be informed that a refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the Central Drug Registry maintained by the Division of State Police.
- 4. Notification will be made to the trainee prior to attendance at the Basic Course for Investigators (APPENDIX E).

C. Detectives

- 1. When it has been determined that reasonable suspicion exists, the Chief of Detectives or their designee will go to the subject Detective at the Detective's work assignment and order that Detective to accompany him/her to a designated lavatory to collect the specimen.

2. Detectives selected for random drug screening shall be contacted by the Detective Supervisor of the Special Investigations Unit at their work assignment and shall immediately report to the designated lavatory to submit a urine sample. If the Detective is not on duty or is on a leave of any kind, the Detective will be ordered to give a proper urine sample(s) immediately upon returning to work, regardless of the length or reason for the leave.
3. The order to provide a urine sample for drug screening is a direct order from the Prosecutor. No Detective has the right to refuse the order, the right to have a Union Representative or Attorney present at the time the specimen is collected, nor the right to delay the order for any reason.
4. All Detectives will be required to complete the Drug Testing Officer Notice and Acknowledge Form upon commencing employment at the Burlington County Prosecutor's Office (APPENDIX F).

31-7: SPECIMEN ACQUISITION PROCESS

- A. The Detective Supervisor of the Special Investigations Unit will be responsible for the overall supervision and collection of the urine specimens. The Detective Supervisor of the Special Investigations Unit shall be present at a designated collection site to supervise the processing, collection and storage of the urine specimens.
- B. The Chief of Detectives shall designate a monitor(s) to oversee the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested.
- C. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. The monitor shall accompany the Detective into the designated lavatory and shall remain there until the specimen is provided and the bottle is handed to the monitor. In the absence of circumstances that indicate an attempt to adulterate or otherwise compromise the integrity of the specimen, the monitor shall not directly observe the Detective filling the specimen bottle. If there is reason to believe that the Detective will adulterate or other

compromise the integrity of the test process, the Prosecutor may direct the monitor to directly observe the Detective filing the specimen bottle. In those instances the monitor shall place food coloring into the toilet which will be utilized by the Detective providing the specimen to further insure the integrity of the urine specimen. The information that forms the basis of the belief shall be provided in a written report not more than 72 hours after the Prosecutor authorizes direct observation.

- 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.
- d. Prior to the submission of a urine specimen, Detectives shall complete a Drug Testing Medication Information form clearly describing all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.

D. A Detective being tested shall provide two samples.

- 1. Both samples will be acquired according to the procedures outlined herein.
- 2. Both samples will be submitted to the State Toxicology Laboratory for testing.

E. Second Specimen

- 1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
- 2. The second specimen shall be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test from the laboratory of the submitting agency.
- 3. The second specimen will be released for independent testing by the State Toxicology Laboratory under the following circumstances:
 - a. Notification by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and

- b. Notification by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
- c. The employee designates 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
- d. A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures.

F. Specimen Collection

- 1. Individual specimens shall be identified by the use of social security number. 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 specimen container that has not been approved by the State Toxicology Laboratory.
- 3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.

The subject Detective shall:

- a. Select two sealed specimen container kits;
- b. Open the sealed urine specimen bottle packet on a clean surface;
- c. On the "first specimen", put his or her social security number, date and the letter "A" below on the specimen bottle label **with pencil**;
- d. On the "second specimen", put his or her social security number, date and the letter "B" below on the specimen bottle label **with pencil**;

1. The monitor shall check that the donor Social Security Number on both labels matches the Social Security Number on the State Toxicology Laboratory, Law Enforcement Drug Testing Chain of Custody form.
 - e. Place the completed label inside the specimen bottle;
 - f. Produce a urine sample into the bottle;
 - g. Push the cap onto the bottle, effecting the seal;
 - h. Immediately hand the bottle to the monitor.
4. If the subject is unable to provide the sample when requested:
 - a. He or she will remain under the supervision of the monitor until they can provide a sample.
 - b. He or she will be allowed to drink fluids.
 - c. If the individual remains unable to produce a specimen 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 the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
5. The monitor shall inspect the bottle to make sure it has been properly sealed.
6. The monitor shall return the sample to the custody of the Detective Supervisor of the Special Investigations Unit at the testing processing desk.
7. The Detective Supervisor of the Special Investigations Unit shall place all samples in a secured (controlled access) and refrigerated storage area until it is delivered to the State Toxicology Laboratory.

31-8: SUBMISSIONS OF SPECIMENS FOR ANALYSIS

- A. The New Jersey State Toxicology Laboratory will constitute the sole facility for the analysis of Burlington County Prosecutor's Office tests. The Burlington County Prosecutor's Office is not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.

- B. Urine samples should be submitted to the State Toxicology Laboratory (APPENDIX G) 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 Burlington County Prosecutor's Office shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
1. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the Burlington County Prosecutor's Office or commercial courier.
 2. Should the Burlington County Prosecutor's Office choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
 - a. All submissions must be by "next day delivery."
 - b. In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.
 - c. The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.

31-9: ANALYSIS OF SPECIMENS

- A. The State Toxicology Laboratory will utilize the following procedures to analyze urine specimens for law enforcement agencies:
1. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory.
 2. The specimen will be screened for the following controlled substances:
 - a. Amphetamines;
 - b. Barbiturates;
 - c. Benzodiazepine;
 - d. Cocaine;
 - e. Marijuana;
 - f. Methadone;

- g. Opiates;
 - h. Oxycodone/Oxymorphone;
 - i. Phencyclidine.
- 3. The Prosecutor may request that specimens be analyzed for the presence of steroids.
- 4. The State Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.
 - a. 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 more specific type of testing.
 - b. The second type of testing will employ mass spectrometry detection for the definitive identification and quantification of drugs and/or metabolites presumptively identified by the initial screen.
- 5. When a specimen tests positive at both the initial and second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medical 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 specimen to obtain further information from the individual being tested concerning the medications listed on the medical information form. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that the specimen tested positive.

31-10: DRUG TEST RESULTS

- A. The State Toxicology Laboratory shall provide the Burlington County Prosecutor's Office written test results for every specimen submitted for analysis.
- B. The Burlington County Prosecutor's Office shall notify the Detective 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.

- C. Under no circumstances may the Burlington County Prosecutor'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.

31-11

CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment;
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 - 3. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result.

- B. When a trainee tests positive for illegal drug use:
 - 1. The trainee shall be immediately dismissed from the Basic Course for Investigators;
 - 2. Upon final disciplinary action, the trainee shall be terminated;
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 - 4. The trainee shall be permanently barred from future law enforcement in New Jersey.

- C. When a Detective tests positive for illegal drug use:
 - 1. The Detective shall be immediately suspended from all duties;
 - 2. The Detective shall be administratively charged and, upon final disciplinary action, terminated from employment;
 - 3. The Detective shall be reported to the Central Drug Registry maintained the Division of State Police; and

4. The Detective shall be permanently barred from future law enforcement employment in New Jersey.

31-12: CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. The Prosecutor shall make a determination whether an applicant or Detective refused to submit to a drug test.
- B. An applicant who refuses to submit to a drug test during the pre-employment process shall be:
 1. Immediately removed from consideration and the Burlington County Prosecutor's Office;
 2. Barred from consideration for future law enforcement employment for a period of two years from the date of the refusal; and
 3. Reported to the Central Drug Registry, noting that the individual refused to submit to a drug test.
- C. A detective trainee who refuses to submit to a drug test while attending the Basic Course for Investigators shall be:
 1. Immediately removed from the academy and suspended from employment;
 2. Upon a finding that the detective trainee refused to submit a sample, terminated from employment and permanently barred from future law enforcement in New Jersey; and
 3. Reported to the Central Drug Registry, noting that the individual refused to submit to a drug test.
- D. Any Detective who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection shall be:
 1. Immediately suspended without pay from all duties;
 2. Upon final disciplinary action, if it is found that the Detective refused to submit to a drug test, terminated from employment as a member of the Burlington County Prosecutor's Office;
 3. Reported to the Central Drug Registry maintained by the Division of State Police; and

4. Permanently barred from future law enforcement employment in New Jersey.

31-13: RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

A Detective who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action for a positive drug test or a refusal to submit to drug testing, shall be reported to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

31-14: RECORD KEEPING

- A. The Special Investigations Unit shall maintain all records relating to the drug screening of the sworn members of the Burlington County Prosecutor's Office.
- B. For all drug screening, the records shall include at minimum:
 1. The identity of those ordered to submit urine samples;
 2. The reason for that order;
 3. The date the urine was collected;
 4. The identity of the monitor of the collection process;
 5. 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;
 6. The results of the drug screening;
 7. Copies of notifications to the subject;
 8. In instances where a positive result is obtained as the result of a lawfully prescribed medication, documentation from the Detective's physician supporting the prescription / medication and its use, as well as a certification that the Detective is fit for duty.

9. For any positive result or refusal, appropriate documentation of disciplinary action.
- C. For random drug screening, the records will also include:
1. A description of the process used to randomly select officers for drug screening;
 2. The date of that selection;
 3. A copy of the document listing the identities of those selected for drug screening;
 4. A list of those who were actually tested;
 5. The date the urine was collected;
 6. The monitor(s) of the collection process;
 7. 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;
 8. The result of the drug screening;
 9. Copies of notifications to the subject;
 10. Initiation of the disciplinary process (dismissal) resulting from any positive result or refusal to submit to testing.
- D. The records of drug screening shall be maintained with the same level of confidentiality required for Internal Affairs records pursuant to the New Jersey Internal Affairs Policy and Procedures.

31-15: CENTRAL DRUG REGISTRY

- A. The Chief of Detectives shall notify the Central Drug Registry, maintained by the Division of State Police, of the identity of applicants, trainees and Detectives who test positive for the illegal use of drugs or refuse an order to submit a urine sample (APPENDIX H).
- B. Notifications to the Central Drug Registry shall include the following information as to each individual:

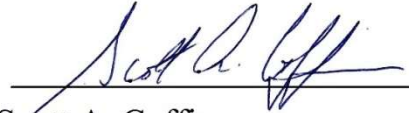
1. Name and address of the submitting agency, and contact person;
2. Name of the individual who tested positive;
3. Last known address of the individual;
4. Date of birth;
5. Social security number;
6. SBI number (if applicable);
7. Gender;
8. Race;
9. Eye color;
10. Substance the individual tested positive for or circumstances of the refusal to submit a urine sample;
11. Date of dismissal from this agency; and
12. Whether the individual was an applicant, trainee or sworn Law Enforcement Officer.

C. Notifications to the central registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068

31-16: AUTHORITY

This policy shall remain in full force and effect until superseded or revoked by proper authority. This policy supersedes and replaces all prior policies concerning this matter.

A handwritten signature in black ink, appearing to read "Scott A. Coffina", written over a horizontal line.

Scott A. Coffina

Authority: Burlington County Prosecutor