

# MARLBORO TOWNSHIP POLICE

*SAFETY* through SERVICE

*Since 1968*

## DEPARTMENTAL POLICIES AND PROCEDURES

Location CHAPTER 10	Reference PROCEDURE	Special Instructions REVISED POLICY		ACCDT # 35.1.9
Subject OFFICER SUBSTANCE ABUSE POLICY		Number PAD073	Distribution ALL PERSONNEL	
Effective 02-10-12	Revised 03-07-18	Revised 11-12-18	Revised 12/11/2019	No. Pages 1 of 21 (6 attachments)

### **I PURPOSE**

The purpose of this policy is to recognize the problem of substance abuse and the profound effects it has on our society. In order to provide for a safer work environment the Marlboro Township Police Department has established this substance abuse policy.

This policy compliments SOP PAD074- Early Warning System/Monitoring and PAD104- Supervisor's Guide to EAP (Employee Assistance Program) which establishes guidelines to assist with the early identification of potential problem members/employees and to reference other departmental policies and procedures that must also be utilized to effectively carry out this process.

Urine and breath samples shall be ordered from a law enforcement officer when there are facts that provide a reasonable objective basis to suspect the officer is illegally using drugs or alcohol, or when conducting a random drug and alcohol testing program. Urine samples ordered based on a reasonable objective basis shall not be ordered from an officer without the approval of the county prosecutor or the chief executive officer of this agency or someone acting in the capacity during his/her absence.

Note: Nothing in this policy is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary action against the employee.

### **II DISCUSSION**

Law enforcement agencies have a legal responsibility and management obligation to ensure a drug free and safe work environment; as well as a paramount interest in protecting the public by ensuring that its' employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use or drug abuse. Also, liability could be found against the agency and the employee if we fail to address and ensure that employees can perform these duties without endangering themselves, other officers or the public. Finally, there is sufficient evidence to conclude that use of illegal drugs, drug dependence, and drug abuse seriously impairs an

employee's performance and general physical and mental health, places fellow employees at risk, and causes the public to lose confidence in the police to properly perform their duties.

The Attorney General Guidelines mandate drug testing if reasonable suspicion exists. Therefore, each municipal law enforcement agency shall include in its Rules & Regulations as defined in N.J.S.A. 40A:14-118, and every Monmouth County law enforcement agency shall include in appropriate standard operating procedures (SOP's/Policy) a provision that individual law enforcement officers will be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs. While the Attorney General's Guidelines on Drug Testing does not require law enforcement agencies to drug test applicants, nor does it require law enforcement agencies to implement a random drug testing program for sworn officers, such testing is a requirement for Monmouth County law enforcement agencies. Whether it involves reasonable suspicion or random selection, these Rules & Regulations/SOP's/Policy shall also provide that a negative result is a condition of employment as a sworn officer and that a positive result will result in the officer's termination from employment, inclusion of the officer's name in the Central Drug Registry and the officer being permanently barred from future law enforcement employment in NJ.

### III DEFINITIONS

- A. Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other molecular weight alcohols including methyl or isopropyl alcohol.
- B. Alcohol concentration:** The alcohol in a volume breath in terms of gram alcohol per 210 liters of breath as indicated by a breath test, or the alcohol measured by grams of alcohol per 100 milliliters of blood
- C. Alcohol use:** The consumption of any beverage, mixture or preparation including medications, containing alcohol.
- D. Applicant:** A person who applies for a position as a law enforcement officer 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 NJ.S.A. 2C: 39-6.
- E. Cancelled test:** A drug test that has been declared invalid by the Medical review officer (MRO). The subject is neither a verified positive nor negative test, and includes a specimen rejected for testing by a laboratory.
- F. Central Drug Registry:** This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances delineated in this Directive, or the corresponding AG Directive, are to be reported and recorded.
- G. Chain of Command:** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution. The chain of command shall also be carried in reverse.
- H. Confirmation test:** A second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
- I. Controlled substances:** The terms "drugs" and "controlled substances" shall include all derivatives of the following classes of drugs. Marijuana, Cocaine, Opiates (Heroin, etc), Phencyclidine (PCP), Amphetamines, Barbituates, Benzodiazepine, Propoxyphene, Methadone and Methaquadone and controlled substance analogs that produce similar effects.

- J. Criminal Drug Statute:** A federal or state statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- K. Drug:** Any substance (other than alcohol) that has known mind or function altering effects on a human subject, specifically including any psychoactive substance and including, but not limited to, controlled substance and controlled substance analogs that produce similar effects.
- L. EAP/Employee Assistance Program:** a program designed to provide a means to ensure that all sworn and non-sworn members of the department have access to a mechanism that will administer to the employee's mental wellness and furnish a rehabilitation program needed to maintain a stable, healthy and productive work environment.
- M. Medical Review Officer:** The designated doctor or contract physician(s) appointed by the chief executive officer or his / her designee with appropriate medical training and knowledge of substance abuse conditions, authorized to receive, review and report laboratory drug test results.
- N. Monitor / Specimen collector:** The chief executive officer or his / her designee shall designate a member of his / her staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- O. Possess:** To have on one's person or in one's personal effects or under one's control.
- P. Prohibited drug:** Prohibited drugs shall include but not be limited to the following; Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Barbituates, Benzodiazepine, Propoxyphene, Methadone and Methaquadone. Any substance (other than alcohol) that has known mind or function altering effects on a human subject, specifically including any psychoactive substance and including, but not limited to, controlled substance and controlled substance analogs that produce similar effects.
- Q. Random Selection:** Random selection shall be defined as a method of selection in which each and every sworn member of the agency (EXCLUDING TRAINEES IN A POLICE ACADEMY AND SWORN OFFICERS ON EXTENDED SICK/INJURY LEAVE), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this Policy, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
- R. Refusal to submit to a test:** Failure to provide adequate breath or alcohol testing or a urine specimen for drug testing as required, without valid medical explanation after an applicant, trainee, employee or member has received notice of the requirement to be tested in accordance with the provisions of this policy or engaging in conduct that clearly obstructs the testing process.
- S. Sworn Officer:** Persons who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C: 39-6.
- T. Trainee:** A person who is employed by the agency and is subject to the Police Training Act while they attend a mandatory basic training course.
- U. Verified Negative Drug Test Result:** A drug test result reviewed by a medical review officer and determined not to be evidence of use of a prohibited drug.
- V. Verified Positive Drug Test result:** A drug test reviewed by a medical review officer and determined to be evidence of use of a prohibited drug.

## **IV POLICY**

It is the policy of the Marlboro Township Police Department to have a drug/alcohol free work environment for the personnel of this agency and for the people it serves. Marlboro Township law enforcement officers will be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs. A negative drug test result is a condition of employment as a sworn officer and that a positive result will result in the officer's termination from employment, inclusion of the officer's name in the Central Drug Registry and the officer being permanently barred from future law enforcement employment in NJ.

## **V PROCEDURE**

### **A. Types of Drug Testing**

For purposes of this policy the types of drug testing conducted by this agency is as follows;

1. Pre-Placement Testing. All applicants to the Marlboro Township Police Department shall be subject to pre-employment testing. In addition any promotion or lateral transfer to a different assignment may be subjected to pre-placement testing.
2. Random Selection Testing. All members shall be subject to random, unannounced drug screening.
3. Reasonable Suspicion Testing. Based on specific, contemporaneous, articulable observations concerning a member's appearance, behavior, speech, odor or indications of use or withdrawal from a prohibited substance and or alcohol, drug screening may be required.
4. Fitness for Duty Testing: Urine specimens may be collected from members during a regularly scheduled and announced medical examination or a fitness for duty examination based on pre-placement testing and or reasonable suspicion testing.
5. Post-accident Testing. Any member who is involved in an on duty accident resulting in loss of life or causes any of the involved persons or themselves to seek immediate medical treatment shall be required to undergo a drug and or alcohol screening based on specific, contemporaneous, articulable observations concerning a member's appearance, behavior, speech, odor or indications of use or withdrawal from a prohibited substance and or alcohol.
  - a. Post-accident testing shall be conducted in accordance with the Reasonable Suspicion Testing, located in section IV E of this policy.

### **B. Drug Testing**

1. The Marlboro Township Police Department considers cooperation with drug and alcohol screening of its applicants and members to be a necessary condition of continued employment with this department.
2. Reporting to work for the performance of department business or otherwise being on Marlboro Township property or being under the influence of drugs or alcohol while on duty is prohibited except under the following conditions:
  - a. Approved bona fide police training conducted by a municipal, county, state or federal law enforcement agency.
  - b. Special investigations conducted by plain clothes or undercover officers with prior approval of the Chief Executive Officer and or his/her designee.
    - (1) Any assignments of this nature shall require prior written authorization from the Chief Executive Officer and or his/her designee and shall be strictly limited to the use of alcoholic beverages.

3. The Marlboro Township Police Department requires as a condition of employment that all employees shall provide a negative result and that a positive result will result in: a) the employees termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
4. When an applicant tests positive for illegal drug use:
  - a. The applicant shall be immediately removed from consideration for employment by the agency;
  - b. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; the applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
  - c. 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. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
5. When a sworn law enforcement officer or trainee tests positive for illegal drug use:
  - a. The officer and or trainee shall be immediately suspended from all duties;
  - b. The officer and or trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action;
  - c. The officer and or trainee shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
  - d. The officer and or trainee shall be permanently barred from future law enforcement employment in New Jersey.
6. Consequences of a refusal to submit to a drug test
  - a. Applicants 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 period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  - b. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  - c. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  - d. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or

prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

7. The Chief of Police or his/her designee may conduct searches without further notice and without reasonable suspicion for illegal drugs and or alcohol on Marlboro Township property and or locations where property owned and or issued by Marlboro Township is stored and or located. All searches shall be conducted in accordance with all existing State and Federal laws.

Property subject to searches and or places to be searched may include the following but shall not be limited to:

- a. Any and all storage locations such as:
  - (1) All vehicles owned by Marlboro Township regardless of location including any and all containers and or compartments located therein.
  - (2) Lockers located on Marlboro Township property.
  - (3) Offices owned, maintained or occupied by Marlboro Township employees.
  - (4) Desks owned, maintained by Marlboro Township.
  - (5) Safes owned, maintained by Marlboro Township.
  - (6) Garbage and garbage receptacles
  - (7) Refrigerators
  - (8) Uniforms issued and or worn by Marlboro Township employees.
8. 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.

### **C. Pre-employment police academy drug screening**

Given the Department's concern for drug or alcohol use interfering with the safety of the workforce and the public with whom this agency has contact, all offers of employment with this agency shall be conditioned on the applicant's ability to pass a drug/alcohol screening given at the police academy.

1. Failure to pass a drug/alcohol screen will result in the withdrawal of a conditional offer of employment. When a sworn officer is withdrawn for this reason, the applicant will be barred from applying for any other law enforcement position for a period not less than two years. Results of previous failed drug screening may be considered in subsequent job applications. Applicants that are denied full employment status may request copies of the test results from the police academy.
2. All applicants shall be notified of the Marlboro Township Substance Abuse Policy (This Standard Operating Procedure), and the mandatory drug screening within the police academy at the time they complete their job application.
3. In the event a drug screen is determined to be invalid or unreliable by the laboratory, but NOT due to misconduct, the applicant will be immediately notified of this fact and required to submit to a new test. If a sample is determined to be unreliable due to misconduct of the applicant, the individual will be regarded as having violated this policy and subject to non-hiring or any other appropriate discipline. Testing misconduct includes, but is not limited to diluting the specimen, substituting samples or attempting to adulterate the specimen.

#### D. Random Testing

Members shall be subject to unannounced, random drug testing. The testing may take place in house, or while attending any authorized law enforcement training facility.

Establish a system by which the selection process can be verified and documented.

Permit a representative of the collective bargaining unit(s) to witness the selection process.

Provide that any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.

1. The names of all members shall be placed in a pool from which a random selection will be made. Each time random sampling is initiated, the Chief of Police and or his designee except for a member of the internal affairs unit will conduct the random sampling.
  - a. The random generations shall occur four (4) times during a calendar year (approximately once per calendar quarter). 10% of the overall manpower (based on the total amount of sworn officers) will be randomly selected each time.
2. Random selection verification:
  - a. Lottery / Bingo style balls of similar size and weight will be numbered starting with 1 and progressively ending with the total amount of sworn officers.
  - b. A corresponding sworn officer master name list will be kept assigning a sworn officer to a corresponding ball number.
  - c. A member from each collective bargaining union if applicable and the monitor selected by the Chief of Police will verify the number of balls used and the corresponding list of sworn officers.
  - d. Once verification has been made the union representatives and the monitor will sign the sworn officer master name list page.
3. Random selection drawing:
  - a. The monitor appointed by the Chief of Police will adhere to the following procedure for ball selection.
  - b. To ensure that the balls are drawn in a random order the ball cage will be spun ten (10) times in each direction before any balls are drawn.
  - c. The ball cage will be spun three (3) times exactly stopping at the bottom
  - d. The monitor will draw the ball from the collection section of the ball cage.
  - e. The monitor will record the ball number selected on the random selection testing page.
  - f. The monitor will repeat this process until all of the balls have been selected.
    - (1) All percentages representing sworn officers will be rounded up to equal a whole officer:
      - (i) Example will be if 10 % of the total number of sworn officers based on 78 sworn members equals 7.8. The number of sworn officers tested will be rounded up to 8.
  - g. The ball number drawn by the monitor will be checked against the sworn officer master name list. The corresponding name will represent the sworn officer selected for random testing.
  - h. An individual will be advised that they are selected for random drug testing only when they are on duty. If the member is selected on a day or shift when he/she is not working, that member will be advised upon their return to work. Once an individual is notified of selection for testing he/she must immediately report to the

collection facility. The random testing frequency level shall be in conformance with the standards established by the office of the Chief of Police.

- i. A member who produces a positive drug/alcohol test in violation of this policy or who refuses to submit to testing under this policy shall be dismissed from this agency.
- j. The identity of any sworn member who has produced a positive drug test shall be reported to the Central Registry maintained by the Division of State Police.
4. Members shall report evidence of suspected drug use by other members to their immediate supervisor or the internal affairs officer.
5. Members shall report evidence of suspected alcohol abuse by other members to their immediate supervisor or the internal affairs officer.

#### **E. Reasonable Suspicion Testing**

Members shall be required to submit to drug and or alcohol screening based on a reasonable suspicion that they have violated the provisions of this policy. "Reasonable Suspicion" must be based on specific, contemporaneous, articulable observations concerning an individual's appearance, behavior, speech, odor, or indications of use or withdrawal from substances prohibited by this policy.

1. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the county prosecutor or the chief executive officer of the law enforcement agency before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
2. Whenever practical, two supervisors should confer and agree that reasonable suspicion exists prior to requesting that an individual submit to testing. However, when only one supervisor is available, that supervisor should attempt to contact the Chief of Police or one of the division commanders and the internal affairs officer.
  - a. When acting on reasonable suspicion that an individual may be in violation of this policy, a supervisor shall make all attempts to respect the individual's privacy.
  - b. Questioning should be done in a private setting.
  - c. Supervisors are to limit their conversations regarding possible violations of this policy to those persons who are participating in questioning, evaluation, investigation, or disciplinary action on a need to know basis. Supervisors are to instruct other individuals, except as noted above, not to talk about possible violations.
3. **In all instances, the supervisor shall make a written record of the observations leading to reasonable suspicion testing on an "observed behavior".** Such record shall be signed by the supervisor who made such observations immediately concerning the observed behavior. Whenever practical, a copy of the written record will accompany the individual to the testing facility. Reasonable suspicion testing should not be based solely on third person observations or reports, unless the supervisor(s) can verify and indicate further such observations to be reliable.
4. **Prior to ordering "Reasonable Suspicion" drug and alcohol screens the Chief of Police must be notified and approve of the testing of the individual in writing on an order to submit.**
5. Any individual submitting to drug and alcohol screening under reasonable suspicion circumstances will be immediately to follow V, F, 1 of this policy or be escorted to a designated testing facility.
6. After a sample is provided, the individual will not be permitted to:



- a. Operate any Township Equipment
  - b. The Officer in Charge of the shift or a designee appointed by the Chief of Police will take possession of the officer's department issued weapon(s).
  - c. If necessary, the individual will wait in a designated area until arrangements are made for transportation to his/her home.
  - d. Attempts to contact the individual's spouse or family member will be made to transport the individual home.
  - e. If the individual rejects these alternatives, the Police Department will take appropriate measures to prohibit the individual from operating his/her vehicle.
7. Individuals tested under reasonable suspicion circumstances shall be placed on administrative duty with pay pending the test results. If the test results are negative, the individual may be evaluated for fitness for duty prior to being reinstated to full Duty. If the results are positive, the individual will be subjected to the implementation of disciplinary proceedings.
  8. Non-compliance with an order to submit to reasonable suspicion testing, to disclose and explain the nature of any suspected substance, to leave the work area or township facilities, or any other reasonable request shall be viewed as insubordination and the individual will be subject to discipline up to and including dismissal.

#### **F. Specimen Collection and Testing Procedures**

Members will be required to sign appropriate forms prior to testing. The forms include, but are not limited to,

- Drug Testing Medical Information page; attachment A.
- Drug Testing Applicant notice; attachment B
- Drug Testing Trainee notice; attachment C
- Random Drug Screening Through Urinalysis Acknowledgement F

The Marlboro Township Police Department shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.

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

- Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
- Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
- Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
- The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

In order to safeguard the integrity of the specimen's chain of custody the following collection procedures shall be utilized.

1. Prior to the submission of a urine specimen, sworn members shall complete a medical questionnaire (Attachment A) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.
2. Throughout the test process, the identity of individual applicants and sworn and non-sworn members shall remain confidential. Individual specimens shall be identified throughout the process by the 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. Prior to the testing the individual will be given a copy of the specimen collection procedures by the specimen collector
3. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory.
4. The donor will be required to take off all jackets, bags, pocketbooks, etc., (anything that could contain a concealed specimen), and wash their hands prior to providing the specimen.
5. The donor will be escorted to an area for providing the specimen that respects the donor's privacy while complying with this policy. The enclosure shall provide a toilet. In order to minimize embarrassment of the donor and to prevent distraction of the collection site personnel access to the enclosure during the entire collection process will be prohibited. Only the specimen collector and the donor shall be present.
6. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
7. Individual members will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. The monitor must document the facts underlying their belief that a member may adulterate a specimen or compromise the integrity of the test process.
8. To avoid the risk of adulterated or diluted specimens, water and cleaning agents are prohibited in the enclosure. Similarly, a bluing or dyeing agent will be placed in the toilet. Only one test is to be performed at a time. Testing of another donor will not begin (including filling out of necessary forms) until the testing process of the current donor is completed and the specimen is secured.
9. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
10. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests.
11. The urine samples shall be delivered to the New Jersey State Toxicology Laboratory within the Department of Criminal Justice within the next 3 business days by a member of the law enforcement agency or someone approved by the Chief of Police.
12. Collection site personnel will verify that an adequate amount of urine was provided. If the specimen temperature does not fall within a range of 90° F to 100° F then the collection site personnel, within 4 minutes, may request that the donor have their oral temperature taken. If the donor's body temperature varies by more than 1.8° F, from the specimen temperature, the collection site personnel shall request a second

- specimen for testing. If the donor refuses, to have their temperature taken, this shall be grounds to consider the specimen as having been tampered.
13. If the collection site personnel note any unusual color or sign of contaminants in the specimen, a second specimen shall be requested. In all instances where a second specimen is requested, the original (suspect) specimen shall be forwarded to the laboratory for testing.
  14. The employee / member shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area. The Marlboro Township Police Department shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
  15. The second specimen shall be released by the Marlboro Township Police Department under the following circumstances:
    - a. The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
    - b. The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
    - c. The member employee must designate a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
    - 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 within 60 days of the date the specimen was produced.
  16. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide 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.
  17. Laboratory and medical personnel are responsible for completing the appropriate chain of custody documentation, ensuring that proper procedures are followed to protect the integrity of the samples and the reliability of the test results. The appropriate chain of custody and control form should be filled out by the collection site personnel and then signed by the donor. The specimen is to be kept in the sight of both the donor and the collection site personnel from the time it is delivered to the time it is being labeled. The chain of custody forms must be signed by both the collection site personnel and the donor.
  18. If the specimen container is received at that laboratory in an undamaged condition, properly sealed, labeled, and initialed as certified by the laboratory, the medical review officer and the police department will be privileged to rely on the analysis of the specimens so received.
  19. In reasonable suspicion circumstances, a copy of the supervisors report will be forwarded to the medical review officer.
  20. The police department expects all of its applicants and members to exercise good faith when undergoing the screen and ensure that proper test procedures are adhered to. This will guarantee that the final results are accurate. Failure or refusal to observe

- these good faith requirements may subject the individual to immediate discipline, up to and including dismissal.
21. In the event that a urine sample is determined to be invalid or unreliable by the collection site personnel, the laboratory analyzing the sample due to circumstances unrelated to the conduct of the donor, the applicant employee or member will be immediately notified of the circumstances requiring a new test. If the urine sample is determined to be invalid or unreliable due to circumstances related to the conduct of the individual, they will be subject to discipline, up to and including dismissal.
  22. The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.
  23. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
    - a. amphetamine/methamphetamine;
    - b. barbiturates;
    - c. benzodiazepine;
    - d. cannabinoids;
    - e. cocaine;
    - f. methadone;
    - g. phencyclidine; and
    - h. Opiates and
    - i. Steroids, when appropriate and at the discretion of the agency's executive officer.
      - (1) Random Testing: Agencies retain the option to incorporate the testing for steroids into their random drug testing program.
      - (2) Reasonable Suspicion Drug Testing: The testing for the presence of steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.
  24. Testing will be limited to the presence of drugs and their metabolites. Under no circumstances will the sample be tested for any other purpose. The police department reserves the right to expand the classes of drugs and metabolites tested or to modify the initial and confirmation testing thresholds.
  25. Any time specimens are deemed to be "positive" by the laboratory and Medical Review Officer the specimen will be retained.
  26. Positive test results will be revealed to the individual only after they have been verified by the Chief of Police or his/her designee. These results are confidential medical information and must not be revealed or disclosed with anyone in the police department except on an absolute need-to-know basis, and then only after the result has been confirmed. All individuals notified of confirmed positive test results will have 3 business days, from the time of notification, to request that the second specimen be tested if given at the time of the original sample.
    - a. Reference section V, F, 13 of this policy.
  27. Applicants or members taking a drug prescribed by a licensed physician must present the drug in its original container which identifies the drug, dosage, date of prescription, and authorizing physician. It is the responsibility of the individual to review with their physician any work restriction(s) that should be observed while on the medication. In cases when use of medication requires work restriction(s), it is the responsibility of the individual to report such restriction(s) to his/her supervisor. Failure to properly notify a supervisor of such work restriction(s) shall be a violation of this policy which may subject the individual to discipline up to and including dismissal.

28. In the interest of safety, an individual whose use of medication necessitates work restrictions may be reassigned or placed on medical leave. Once such restriction(s) are lifted and the individual may safely resume all aspects of their assigned job functions they will be restored to their prior position.
29. If these procedures are followed, the use of prescription and non-prescription drugs in accordance with the dosage instructions shall not be cause for discipline under this policy
30. Testing for alcohol shall be done by the taking of samples of breath or blood from the individual. If breath samples are taken, the testing shall be done by a certified Alcotest operator. A positive breath sample shall be confirmed by a second breath sample in accordance with the procedures established for certified Alcotest operators.
  - a. Blood samples will only be permitted as testing for the presence of alcohol to determine BAC if the member is transported to an area hospital as a result of an on duty accident and is unable to provide a breath sample.

#### **G. Drug test results**

1. The State Toxicology Laboratory shall notify the submitting law enforcement agency of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within 15 working days of the submission.
2. 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 questionnaire pertinent to that specimen.
3. The submitting agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
4. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.
5. **NEGATIVE RESULTS:** When the results are received from the lab and they are negative, the designated officer will generate a letter indicating that the results were indeed negative, attach a copy of the lab report to this letter, place it in an envelope and seal it. This envelope will then be delivered to the officer involved.

#### **H. Record Keeping**

1. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants and employee members.
2. The records shall include but not be limited to:
  - a. For all drug testing:
    - (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 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 testing;
    - (7) copies of notifications to the subject; and

- (8) for any positive result or refusal, appropriate documentation of disciplinary action.
- b. For random drug testing, records will also include the following information:
  - (1) a description of the process used to randomly select officers for drug testing;
  - (2) the date selection was made;
  - (3) a copy of the document listing the identities of those selected for drug testing;
  - (4) a list of those who were actually tested; and the date(s) those officers were tested.

**I. Central Drug Registry**

- a. **NOTIFICATION REQUIRED:** The agency shall notify the Central Drug Registry of the identity of the applicants, trainees and sworn law enforcement officers who test positive for illegal use of drugs or refuse an order to submit a urine sample.
- b. **DOCUMENTATION NEEDED FOR NOTIFICATION:** Notifications to the Central Drug Registry occur by the employing agency completing attachment D of the Attorney General's Law Enforcement Drug Testing Policy in its entirety and sending it to the address indicated on the bottom of the attachment.
- c. **ACCESS TO INFORMATION CONTAINED IN CENTRAL DRUG REGISTRY:** Access to this information in this registry is limited to:
  - i. in response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel; or
  - ii. in response to a court order.

**J. Attachments to this policy will include:**

- 1. Drug Testing Medical Information page; attachment A.
- 2. Drug Testing Applicant Notice; attachment B
- 3. Drug Testing Trainee Notice; attachment C
- 4. Notification to the Central Drug Registry; attachment D
- 5. "Sample" Sworn Officer Master Name List; attachment E
- 6. Random Drug Screening through Urinalysis Acknowledgement; attachment F

By order of: \_\_\_\_\_

Peter J. Pezzullo  
Chief of Police

PAD073  
030518

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ATTACHMENT A

DRUG TESTING  
MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

✓ all that apply:

- A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

- B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

- C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

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Social Security Number & Initials

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Date

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# Marlboro Township Police Sworn Officer Master Name List:

Ball #	Selected:	Last Name:	First name:	Badge No.
1		Campo	Phillip	45
2		Nagle	William	52
3		Loyer	John	57
4		Haroun	Michael	58
5		Bise	John	60
6		Chaplinski	Joseph	61
7		Wolstromer	Richard	65
8		Reck	Frederick	66
9		Nolte	Erik	68
10		Marrone	Kenneth	69
11		Meglio	Jospeh	70
12		Glenny	David	71
13		Pezzullo	Peter	73
14		Tischler	Michael	75
15		Stacey	Brandon	78
16		McKenna	Christie	79
17		Arminio	Gerald	80
18		Demiceli	Dennis	81
19		Levy	Stephen	82
20		Donovan	James	83
21		Garguillo	Javier	84
22		Tomazic	Joseph	85
23		Szymanski	Nicholas	86
24		Rose	Thomas	87
25		Ruditsky	David	90
26		Bilinski	Allan	91
27		Stonesifer	Josh	92
28		Goldberg	Andrew	93
29		Pedone	William	95
30		O'Hare	Bryan	96
31		Peter	Bernadette	97
32		Ungrady	Edward	99
33		Peterpaul	Anthony	100
34		Taglietta	David	102
35		Perrini	Frank	103
36		DelCora	Andrew	104
37		Aronne	Greg	106
38		Gonzalez	Donna	109
39		Willet	Brian	110
40		Pecoraro	Michael	111
41		Nagy	Robert	113
42		Gurski	David	114
43		Stattel	David	116
44		Gramcko	Jonathan	117

**Monitor:**

*Signature:* \_\_\_\_\_

**PBA Rep:**

*Signature:* \_\_\_\_\_

**FOP Rep:**

*Signature:* \_\_\_\_\_

**Monitor Instructions:**

Upon selecting a ball: Place a check mark in the "Selected" column that corresponds with the ball number that was selected.

## Marlboro Township Police Sworn Officer Master Name List:

Ball #	Selected:	Last Name:	First name:	Badge No.
45		Caulfield	James	118
46		Figarola	Callen	119
47		Wisclio	Pawel	120
48		Mattei	Adam	121
49		Abrahamson	Joshua	122
50		Levine	Adam	124
51		Schuster	Matthew	125
52		Wilson, III	Charles	126
53		Drum	Kelly	127
54		Morgante	Michael	128
55		Peterson	Brian	129
56		Murdock	Aaron	130
57		Thompson	Ian	131
58		Rounds	Taylor	133
59		Daulton	Derek	134
60		Bianco	Francesco	135
61		Battaglia	Gregory	136
62		Anzalone	Ryan	137
63		Murray	Colin	138
64		DiMarco	Anthony	139
65		Morgante	Anthony	140
66		Verbeke	Michael	141
67		Stack	Dennis	142
68		Attardo	Brandon	143
69		VanCuren	Christopher	144
70		Scala	James	145
71		Oliver	Christina	146
72		Kelly	Robert	147
73		Nelsen	Matthew	148
74		Giglio	Vincent	302
75		Lea	Drewrey	303
76		Rice	Ron	304
77		Reed	Dave	305
78		Bienlowski	Michael	307
79		Laurino	Gerard	308
80		Silva	Sean	309
81		Hayes	Eric	310
82		Byrne	Connor	406
83		Eckel	Robin	404
84		Ely	Dylan	408
85		Ball	Derek	409

Attachment F

RANDOM DRUG SCREENING THROUGH  
URINALYSIS ACKNOWLEDGEMENT

I \_\_\_\_\_ understand that I have been randomly selected to submit to a confidential drug test in accordance with the \_\_\_\_\_.

I understand that as part of this process, I will undergo drug testing through urinalysis.

I understand that if I refuse to undergo the testing, I will be immediately suspended from employment. Upon final disciplinary action, if it is found that I did in fact refuse to submit to a drug test, I will be terminated from employment with \_\_\_\_\_ and permanently barred from future law enforcement employment in New Jersey. In addition, the \_\_\_\_\_ shall forward my name to the central drug registry with a note that I refused to submit to a drug test. Failure to take the test for any reason, including resignation, shall be deemed a refusal.

I understand that a negative result is a condition of continual employment with the \_\_\_\_\_.

I understand that an official monitor from the \_\_\_\_\_ shall be responsible for ensuring the proper collection of the specimen(s) in a manner that provides for individual privacy.

I understand that I shall provide the monitor with a second urine specimen at the same time the first specimen is collected, which will be stored in a secured refrigerated storage area for a period of sixty (60) days or until \_\_\_\_\_ the receives notification from the New Jersey State Medical Examiner Toxicology Laboratory that the first specimen tested negative for the presence of controlled dangerous substances.

I understand that if I produce a positive test result for illegal drug use, the second specimen can be released in accordance \_\_\_\_\_ . Further confirmation of a positive test result, will be just cause for termination from my law enforcement position and I will be permanently barred from law enforcement employment in New Jersey.

I have read and understand the information contained on this acknowledgement form and I agree to undergo drug testing through urinalysis.

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SOCIAL SECURITY NUMBER

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
DATE