



CAMDEN COUNTY PROSECUTOR'S OFFICE

STANDARD OPERATING

PROCEDURE

NUMBER SOP 31	EFFECTIVE DATE IMMEDIATELY
SUBJECT METHODS AND PROCEDURES FOR DRUG SCREENING OF APPLICANTS, TRAINEES AND COUNTY EMPLOYEES	
RESCINDS	
REFERENCE Attorney General Law Enforcement Directive No. 2018-2	

All Members of the Staff

31-1: POLICY OF THE CAMDEN COUNTY PROSECUTOR'S OFFICE

The Camden County Prosecutor's Office, as a law enforcement agency, holds a special place in our society. Drug abuse by a County Investigator or Assistant Prosecutor of the Prosecutor's Office will severely undermine the public trust and confidence in the Office of the Prosecutor and office employees. It is the policy of the Camden County Prosecutor's Office to insure the citizens of the County of Camden, State of New Jersey, are provided service and protection by County Investigators and Assistant Prosecutors whose integrity and competence are beyond question. Therefore, drug abuse by a County Investigator or Assistant Prosecutor of the Prosecutor's Office shall not be tolerated. Mandatory drug testing is a method to insure no drug abuse is present within the investigative ranks of the Camden County Prosecutor's Office.

THE FOLLOWING SHALL NOT BE CONSTRUED TO LIMIT IN ANY WAY THE RIGHTS OF THE PROSECUTOR'S OFFICE TO DRUG TEST ANY OTHER EMPLOYEE.

31-2: APPLICABILITY

- A. Random drug testing will be performed upon:

1. Applicants for the position of County Investigator 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. County Investigator trainees subject to the Police Training Act while they attend a mandatory basic training course;
 3. County Investigators who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act, and may also be authorized to carry a firearm under N.J.S.A. 2C: 39-6;
 4. The County Prosecutor and all Assistant County Prosecutors.
- B. Drug testing of a County Investigator or Assistant Prosecutor will be ordered when there is reasonable suspicion to believe that the individual is illegally using drugs.

31-3: TYPES OF DRUG TESTING

The Camden County Prosecutor's Office must carefully select applicants whose character and credibility are beyond reproach. The Office of the Prosecutor strives to hire people who are qualified and able to perform the duties and responsibilities to which they will be assigned. Therefore, drug abusers should be detected and disqualified from employment in the Camden County Prosecutor's Office. It is the policy of the Office of the Prosecutor that all applicants for employment or volunteer work will undergo drug screening.

It is the policy of the Office of the Prosecutor that an applicant for a paid or volunteer position shall be required to submit a urine sample at a time during the pre-employment stage when the individual is seriously being considered for appointment to the Office of the Prosecutor.

A. APPLICANTS FOR THE POSITION OF COUNTY INVESTIGATOR AND ASSISTANT PROSECUTOR

1. Applicants may be required to submit a urine specimen at any time prior to appointment.

B. COUNTY INVESTIGATOR TRAINEES

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.
2. Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug

test based on reasonable suspicion only with the approval of the County Prosecutor, the chief executive officer of the trainee's agency, or the academy director.

C. COUNTY INVESTIGATORS AND ASSISTANT PROSECUTORS

1. Urine specimens shall be ordered from a County Investigator or Assistant Prosecutor when there exists reasonable suspicion to believe that the individual is illegally using drugs. Urine specimens shall not be ordered from an individual without the approval of the County Prosecutor.
2. Urine specimens shall be ordered from County Investigators and Assistant Prosecutors who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every County Investigator and Assistant Prosecutor, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
3. Urine specimens may be collected from County Investigators and Assistant Prosecutors 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.

31-4: NOTIFICATION OF DRUG TESTING PROCEDURES

A. APPLICANTS

1. This agency will test applicants for County Investigator and must notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and 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.
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.

In addition, the notification will indicate that if the applicant is currently employed as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be

terminated from employment and permanently barred from future law enforcement employment in New Jersey.

B. TRAINEES

1. All newly appointed County Investigators shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. The officer's termination from employment.
 - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police.
 - c. The officer will be permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be further informed that the refusal to submit to a drug test will result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.
3. Each police academy will include in its rules and regulations a provision-implementing drug testing during basic training.

**C. COUNTY INVESTIGATOR AND ASSISTANT PROSECUTOR:
REASONABLE SUSPICION TESTING**

1. This policy, in accordance with N.J.S.A. 40:14-118, will provide that individual County Investigators and Assistant Prosecutors will be ordered to submit to a drug test when there is a reasonable suspicion to believe that an individual is illegally using drugs.
2. Before a County Investigator or Assistant Prosecutor may be ordered to submit to a drug test based on reasonable suspicion, this agency shall prepare a written report, which documents the basis for the reasonable suspicion. The County Prosecutor shall review the report 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.
3. A negative result is a condition of employment as a County Investigator and Assistant Prosecutor and that a positive result will result in:
 - a. Report to the County Prosecutor.

- b. The County Investigator's or Assistant Prosecutor's termination from employment.
 - c. Inclusion of the County Investigator's or Assistant Prosecutor's name in the central drug registry maintained by the Division of State Police.
 - d. The County Investigator or Assistant Prosecutor is permanently barred from future law enforcement employment in New Jersey.
4. County Investigators or Assistant Prosecutors who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those individuals who test positive for the illegal use of drugs.

**D. COUNTY INVESTIGATORS AND ASSISTANT PROSECUTORS:
RANDOM DRUG TESTING**

- 1. The Office of the Prosecutor will implement a random drug testing program for County Investigators and Assistant Prosecutors. The random drug testing cannot be implemented until rules and regulations establishing such a procedure have been in effect for a minimum of 60 days.
- 2. The following conditions shall apply to the random drug testing of County Investigators and Assistant Prosecutors:
 - a. All County Investigators and Assistant Prosecutors are eligible for random drug testing, regardless of rank.
 - b. Random drug testing shall be conducted at least twice in each calendar year. At least ten percent (10%) of all County Investigators and Assistant Prosecutors shall be randomly tested each time.
 - c. Annual random anabolic steroid testing of County Investigators and Assistant Prosecutors will be incorporated in the annual random anabolic steroid testing of all sworn law enforcement officers in Camden County. The random anabolic steroid testing will be equal to or greater than one percent (1%) of all sworn law enforcement officers in Camden County.
 - d. The random selection of County Investigators and Assistant Prosecutors shall be achieved by using a method by which each and every sworn member of the agency, regardless of rank or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.

- e. The random selection process will be a lottery system. Each County Investigators and Assistant Prosecutors social security number will be assigned a numerical number and marked on a ball, which is selected from a container.
- f. Records shall be kept of each random selection and signed by all present.
- g. A representative of each collective bargaining unit shall be invited to be present for all selections.
- h. Any member of the Office of the Prosecutor, who discloses the identity of an individual 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.
- i. Urine samples will be collected using containers approved by the New Jersey State Toxicology Laboratory.
- j. Any County Investigator or Assistant Prosecutor who refuses to submit to a drug test when randomly selected will be subject to the same penalties as those individuals who test positive for the illegal use of drugs.

31-5: SPECIMEN ACQUISITION PROCEDURES

A. PRELIMINARY ACQUISITION PROCEDURES

- 1. A member of the Office of the Prosecutor will 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 Office of the Prosecutor may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- 2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that the individual submitting the specimen fully and accurately completes all documentation.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.

- c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory.
3. Prior to the submission of a specimen, an applicant shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (*Attachment A*) The form shall also advise the applicant that a negative result is a condition of employment and 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.
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.

Applicants shall not complete a medical questionnaire (*Attachment B*) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the Office of the Prosecutor receives a report indicating that the specimen tested positive for a controlled substance.

- a. Result in the trainee being dismissed from basic training.
 - b. Cause the trainee to being dismissed from employment as a law enforcement officer by the Office of the Prosecutor.
 - c. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police.
 - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
4. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (*Attachment C*) advising the trainee that a negative result is a condition of employment and that a positive result will:

This form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire

(Attachment B), which clearly describes all medications, both prescriptions, and over-the-counter (non-prescription) that was ingested in the past 30 days.

5. Prior to the submission of a urine specimen, County Investigators and Assistant Prosecutors shall complete a medical questionnaire (*Attachment B*), which clearly describes all medications, both prescription, and over-the-counter (non-prescription), that was ingested in the past 30 days.

B. SPECIMEN COLLECTION

1. Throughout the test process, the identity of those tested 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.
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.
 - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee, County Investigator or Assistant Prosecutor shall void into the specimen collection container.
 - b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
 - c. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
4. Individuals 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 monitor may directly observe the production of a specimen. The Office of the Prosecutor must document the facts underlying their beliefs that an individual may adulterate a specimen or compromise the integrity of the test process.