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	Title: Drug Screening		
Evaluation Date:	Issuing Authority: Jean E. Stanfield, Sheriff		
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PURPOSE:

The illegal use of drugs is incompatible with service in law enforcement. The department 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.

The purpose of this policy is to safeguard the department 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.

POLICY:

This policy applies to all sworn members 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 and regardless of whether they have completed a police academy.

It is the policy of this department that a negative result is a continued condition of employment as a sworn officer. Any officer 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 following a disciplinary hearing from this agency as detailed below. An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

I. APPLICABILITY:

Officers are subject to urine testing for illegal drug use as follows:

- A. When reasonable suspicion exists to believe that the officer is illegally using drugs, or
- B. When officers have been randomly selected to submit to a drug screen.
- C. Applicants 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 N.J.S.A. 2C:39-6.
- D. Urine specimens may be collected from officers during a regularly scheduled and announced medical exam or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.
- E. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy.

II. TYPES OF DRUG TESTING:

- A. Reasonable suspicion testing
 - 1. A urine specimen shall be ordered from an officer when there is reasonable suspicion that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the Prosecutor or the Sheriff.
 - 2. Upon a report from any source that an officer may be illegally using drugs, the Internal Affairs Supervisor and Sheriff or designee shall immediately be notified.
 - 3. Upon direction by the Sheriff or designee, the Internal Affairs Supervisor will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
 - 4. The Internal Affairs Unit shall document their findings in a written report.
 - 5. The written report shall be submitted to the Sheriff for a determination if reasonable suspicion exists that an officer has engaged in illegal drug use.

6. If the Sheriff, Undersheriff or Chief determines that reasonable suspicion of illegal drug use exists the officer 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 Sheriff, Undersheriff or Chief 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 sworn officer/investigator of the department, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
2. The random selection of sworn officers who will be subject to testing pursuant to this policy shall take place on dates during the calendar year as determined by the Sheriff.
3. 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 sworn law enforcement officers in the department. The Sheriff shall have the discretion to modify the total number beyond 20% of the officers 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 officers in the department will be selected for testing. Testing shall occur a minimum of two (2) times per year.
4. The random selection shall be done using the Random Name Generator in NWS selecting a number of officers greater than the number of officers to be tested. The first officers on the list – up to the number of officers to be tested will be selected. The individuals who shall be present at the time of the random selection process shall include the Sheriff or her designee, a representative of the collective bargaining unit to witness the selection process, and the Internal Affairs Supervisor.
5. Any member of the department who discloses the identity of a sworn 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 disciplinary procedures.

C. Applicant Drug Screening

1. Applicants will be notified that the pre-employment process will include drug testing. Applicants will complete Attachment “B” Drug Applicant Testing Notice and Acknowledgement.
2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.

During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

3. Applicants will also 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 the State Police.
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency 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.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

- A. When it has been determined that reasonable suspicion exists, the Internal Affairs Supervisor will go to the subject officer at the officer's work assignment and order that officer to accompany the Internal Affairs Supervisor to a designated lavatory to collect the specimen. An officer monitor of the same gender as the subject officer will accompany the subject officer to the designated lavatory.

- B. Officers selected for random drug screening shall be contacted by a Supervisor at their work assignment and shall immediately report to the designated lavatory to submit a urine sample. If the officer is not on duty or is on a leave of any kind, the officer will be ordered to give a proper urine sample(s) immediately upon returning to work, regardless of the length or reason for the leave.
- C. The order to provide a urine sample for drug screening is a direct order from the Sheriff. No officer 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.
- D. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

IV. SPECIMEN ACQUISITION PROCESS

- A. The Internal Affairs Supervisor will be responsible for the overall supervision of collection of the urine specimens.
 - 1. If the Internal Affairs Supervisor is selected for a sample, the Sheriff will designate an alternate supervisor to oversee the collection.
 - 2. The agency should permit representatives of the affected collective bargaining units to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone 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, will be subject to discipline.
 - 3. An Internal Affairs Officer shall designate a monitor(s) to oversee the specimen acquisition process.
 - 4. The monitor shall always be of the same sex as the individual being tested.
 - 5. 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. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
 - c. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. The monitor shall accompany the officer to 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 officer filling the specimen bottle. If there is reason to believe that the subject officer will adulterate or otherwise compromise the integrity of the test process, the Sheriff may direct the monitor to directly observe the officer provide a specimen. Under these circumstances, a written report must be prepared not more than 72 hours after the Sheriff authorizes direct observation.
 - d. Complying with chain-of-custody procedures established for the collection of urine specimens and their subsequent submission to the State Toxicology Laboratory for analysis.
 - e. Prior to the submission of a urine specimen, officers shall complete a medical questionnaire clearly describing all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days. (Attachment A).
 - f. Prior to a submission of a specimen an applicant shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment B). Applicants shall not complete a medical questionnaire (Attachment A) prior to the submission of a specimen unless they have received a conditional offer of employment.
- B. At the time the urine sample is provided, the subject officer/trainee/applicant will be advised that they have the option to submit two samples.
- 1. Both samples will be acquired according to the procedures outlined herein.

2. Both samples will be forwarded to the State Medical Examiner Laboratory for testing; the second sample will be retained by the Laboratory – see V. Submission to the State Toxicology Lab.

C. Specimen Collection

1. Individual specimens shall be identified 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 shall 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. The subject officer shall:
 - a. Open the sealed urine specimen bottle packet.
 - b. Put his or her social security number and date on the specimen bottle label **with pencil**. Place an A under the SS # of the first bottle and a B under the SS# of the second bottle.
 - c. Place the completed label inside the specimen bottle.
 - d. Produce a urine sample into the bottle.
 - e. Push the cap onto the bottle, engaging the seal.
 - f. Immediately hand the bottle to the monitor.
4. Procedures for collecting urine samples shall allow individual privacy unless there is a reason to believe that a particular individual may adulterate or otherwise compromise the integrity of the specimen. Under these circumstances, and upon approval by the Sheriff, the production of a specimen may be directly observed by the monitor. (See section V-A 3-4(b))
5. If the subject is unable to provide the sample when requested,
 - a. He or she will remain in the presence 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.
6. The monitor shall take possession of the sample.
 7. The monitor shall inspect the bottle to make sure it has been properly sealed.
 8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature.
 9. The monitor shall return the sample to the custody of the Internal Affairs Officer.
 10. The Internal Affairs Officer shall place all samples in a secured (controlled access) and refrigerated storage area until delivered to the State Toxicology Laboratory.
 11. Once the officer has relinquished the sample to the monitor and it has been accepted, the officer has fulfilled his or her obligation and shall not be ordered to resubmit a urine sample absent reasonable suspicion or another random selection.

V. SUBMISSION TO THE STATE TOXICOLOGY LABORATORY

- A. Both samples (A & B) of the random drug test will be turned over to the State Toxicology Laboratory.
 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 will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
 3. The second specimen will be released by the NJSTL under the following circumstances:

- a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
 5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
 6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.
- B. Urine samples for drug screening may be submitted to the State Toxicology Laboratory by personnel from the department, or commercial courier.
 - C. Urine samples shall be delivered as soon as feasible.
 - D. In the event a specimen cannot be submitted to the laboratory within one working day of their collection, the specimens shall be stored in a controlled access refrigerator until such time as they can be delivered to the State Toxicology Laboratory.
 - E. If the specimens are to be delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
 1. All submissions must be by “next day delivery”.

2. 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.
- F. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- G. Any specimen that shows evidence of tampering or damage will be rejected by the State Toxicology Laboratory.
- H. The chain-of-custody form from the collecting agency to the State Laboratory will be fully documented.

VI. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:

- amphetamine/methamphetamine;
 - barbiturates;
 - benzodiazepine;
 - cocaine;
 - cannabisoids;
 - methadone;
 - opiates;
 - oxycodone/oxymorphone;
 - phencyclidine;
 - The Sheriff may request that one or more specimens be analyzed for the presence of steroids.
- A. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication

information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

- B. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment A). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- C. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.

VII. CONSEQUENCES OF A POSITIVE TEST RESULT

- A. Any officer who tests positive for illegal drug use shall be:
 - 1. Immediately suspended from all duties;
 - 2. Upon final disciplinary action, if it is found that the testing was conducted in accordance with this policy, the officer will be terminated from employment as a member of the department.
 - 3. Reported to Central Drug Registry maintained by the Division of State Police; and
 - 4. Permanently barred from future law enforcement employment in New Jersey.
- B. Any applicant who tests positive for illegal drug use shall be:

1. Immediately excluded from consideration for employment;
 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 3. The applicant shall be precluded from consideration for future law enforcement positions in New Jersey for a period of two years.
 4. Where the applicant is currently employed by another law enforcement agency, this department will immediately notify the applicant's current employer.
- C. Officers who test positive for steroids or any other prescription medication shall submit documentation from the officer's physician which states that the substance was lawfully prescribed and does not render the officer unfit for duty.

VIII. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. The Sheriff or designee shall make a determination whether an officer refused to submit to a drug test.
- B. Any officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection shall be:
1. Immediately suspended from all duties;
 2. Upon final disciplinary action, if it is found that the officer refused to submit to a drug test, the officer will be terminated from employment as a member of the department.
 3. Reported to Central Drug Registry maintained by the Division of State Police; and
 4. Permanently barred from future law enforcement employment in New Jersey.
- C. An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test, shall be reported to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- D. 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.

- E. 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.

IX. RECORD KEEPING

- A. The Internal Affairs Unit shall maintain all records relating to the drug screening of the sworn members of the department.
- 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 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 notification to the subject;
 - 8. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - 9. Initiation of the disciplinary process (dismissal) resulting from any positive result or refusal to submit to testing, 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 of New Jersey 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*.

X. CENTRAL DRUG REGISTRY

- A. The Sheriff or designee shall notify the Central Drug Registry, maintained by the State Police, of the identity of any sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample.
- B. Notifications to the Central Drug Registry shall include the following information as to each individual:
1. Name and address of the submitting agency;
 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 the agency;
 12. Whether the individual was an applicant, trainer or sworn law enforcement officer;
 13. Date of the drug test or refusal.
- 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

XI. NOTIFICATION TO COUNTY PROSECUTOR

- A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (2) administration of a reasonable suspicion drug test to an officer, the Sheriff or his/her designee shall provide a confidential written notice to the Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the Prosecutor or designee.
- B. Each year the Internal Affairs Officer shall provide written notice to the Prosecutor or his/her designee of the dates of testing conducted during the year, the total number of sworn officers employed by the department, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. Per the Attorney General, all random drug testing policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website. Annual reports from the County Prosecutors to the Attorney General also shall be made available to the public upon request and shall be posted on the agency's website.
- B. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

**ATTACHMENT B - DRUG TESTING
APPLICANT NOTICE AND ACKNOWLEDGMENT**

I, _____, understand that as part of the pre-employment process, the Burlington County Sheriff's Department will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

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

I understand that a negative drug test result is a condition of employment.

I understand that if I refuse to undergo the testing, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of the State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two-year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

Signature of Applicant Date

Signature of Witness Date

**ATTACHMENT C - DRUG TESTING
OFFICER NOTICE AND ACKNOWLEDGMENT**

I, _____, understand that as part of my employment with the Burlington County Sheriff's Department, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the Burlington County Sheriff's Department.

I understand that if I refuse to undergo the testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of the State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

Signature of Officer Date

Signature of Witness Date