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|  <div style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 20px;"> <b>GENERAL ORDER</b> </div> | <b>DATE ISSUED:</b>                                |  |
|  | <b>DATE EFFECTIVE:</b><br><b>IMMEDIATELY</b>       |  |
|  | <b>DISTRIBUTION:</b><br><b>ALL SWORN PERSONNEL</b> |  |
| <b>SUBJECT:</b><br><p style="text-align: center;"><b>LAW ENFORCEMENT DRUG TESTING POLICY</b></p>   |  |  |
| <b>ISSUED BY:</b><br>Chief Daniel Shaffery   | <b>APPROVED BY:</b><br>Chief Daniel Shaffery       | <b>ORDER NUMBER:</b><br><b>#00x-18</b><br>(Replaces #005-12) |

## I. PURPOSE

The purpose of this order is to establish guidelines for the testing of active full and part time police officers, officers in training and applicants for these positions. The Little Silver Police Department is committed to ensuring that all of our officers are safe and capable of delivering the highest quality service to our community. By doing such, we also establish and/or elevate our reputation and credibility to the citizens we are sworn to protect and serve.

## II. POLICY

It is the policy of this department to randomly test active sworn officers, both full and part time, trainees and applicants for these positions, for the purpose of determining illegal drug use. Testing will also be conducted when there is a reasonable objective basis to suspect that an officer is illegally using drugs. All testing will be in accordance with the State of New Jersey Attorney General's Law Enforcement Drug Testing Guidelines for sworn law enforcement officers (revised 04/2018).

## III. PROCEDURES

### A. Definitions

1. **Applicant:** is any person who applies for the position of police officer in the Little Silver Police Department 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. **Trainees:** Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.

3. **Sworn Law Enforcement Officer:** Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, regardless of rank or assignment, who come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
4. **Supervisor:** is an officer formally assigned to a position having day-to-day responsibility for supervising subordinates or who is responsible for commanding a work unit.
5. **Drug Test:** is the compulsory production and submission of urine by an employee in accordance with these established procedures for laboratory analysis to detect prohibited drug use.
6. **Positive Result:** is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis and a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed on the report does not explain the test result.
7. **Random Selection:** is defined as the 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 general order, "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.)
8. **Reasonable Suspicion:** is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

## **B. Employment Status**

Drug testing is categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required of all police applicants and trainees. Pursuant to AG Directive 2018-2, law enforcement agencies are required to implement a random drug testing program for all sworn officers in their departments. Further, law enforcement agencies have an independent obligation to undertake drug testing of individual officers and trainees when

there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

### **1. Applicant Testing**

This Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires in the hiring process to drug test prospective employees at any point during the pre-employment process.

In addition, applicants for employment may be tested as many times as the Department 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 Department 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.

### **2. Trainee Testing**

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.

Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

Individual trainees shall 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 of Police, or the Academy Director.

### **3. Officer Testing**

Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they 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 sworn member of the Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Chief of Police.

Urine specimens may also be collected from law enforcement officers 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.

## **C. Types of Testing**

### **1. Random Testing**

A municipal police department has the appropriate authority to adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating random drug testing. This drug testing program mandating random drug testing pursuant to AG Directive 2018-2 is established by this Standard Operating Procedure.

Random drug testing rule procedure has been in effect since 2001. Random selection is defined as a method of selecting employees for drug testing in which every member of the Department, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. *The number of officers to be selected each time a random test is conducted shall be ten percent of the sworn officers within the Department.* This Department must perform random drug testing at least twice every calendar year.

The method of random selection must ensure that every sworn officer in the Department has an equal chance of being selected each and every time a selection takes place. An officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests.

The Internal Affairs Supervisor shall arrange for the collection of urine specimens from the officers selected as soon as possible. Officers selected who are not on duty on the date of the selection process shall be adequately notified to provide a urine specimen.

The random selection process should be verified and documented. A Representative of the affected collective bargaining unit is permitted 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 disciplinary action.

## **2. Reasonable Suspicion**

A municipal police department has the appropriate authority to adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating Reasonable Suspicion drug testing. This drug testing program mandating Reasonable Suspicion drug testing pursuant to AG Directive 2018-2 is established by this General Order.

When there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of controlled substances, this Department must undertake drug testing.

Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."

The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement Department:

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

Before the Chief of Police may order an individual officer to undergo reasonable suspicion testing, the Chief of Police shall review a written report prepared by the Supervisor/OIC or Internal Affairs Commander documenting the basis for the test. Only under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. The Chief of Police, who wish to discuss whether the

information they possess is sufficient to conduct reasonable suspicion testing, should contact the Monmouth County Prosecutor's Office for advice.

#### **IV. NOTIFICATION OF DRUG TESTING PROCEDURES**

##### **A. Applicants**

A municipal police department has the appropriate authority to adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating applicant drug testing. This drug testing program mandating applicant/ pre-employment drug testing pursuant to AG Directive 2018-2 is established by this General Order.

Applicants for law enforcement positions with this Department will be notified that the pre-employment process will include drug testing. This notification will also indicate that a negative result is a condition of employment and that a positive result will:

1. Result in the applicant being dropped from consideration for employment;
2. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
3. Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years from the date of the drug test.
4. In addition, the notification will indicate if the applicant is currently employed by another Department as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing Department 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.
5. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

##### **B. Trainees**

A municipal police department has the appropriate authority to adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating drug testing for trainees. This drug testing program mandating Trainee drug testing pursuant to AG Directive 2018-2 is established by this General Order.

Drug testing is mandatory during basic training for ALL newly appointed law enforcement officers. All drug testing conducted during the mandatory basic training will comply with the rules and regulations established by the NJ Police Training Commission.

ALL 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 Monmouth County Prosecutor, the Chief of Police of this department or the Academy Director.

A negative result is a condition of employment for ALL newly appointed officers and a positive result will result in:

1. The trainee being dismissed from basic training;
2. The trainee's termination of employment;
3. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police; and
4. The trainee being permanently barred from future law enforcement employment in New Jersey.
5. Newly appointed officers shall be further informed the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey and inclusion of the trainee's name in the central drug registry maintained by the Division of State Police.

### **C. Sworn Law Enforcement Officers**

A municipal police department has the appropriate authority to adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating random drug testing and Reasonable Suspicion drug testing.

This drug testing program mandating random drug testing and Reasonable Suspicion Drug Testing in pursuant to AG Directive 2018-2 is established by this General Order.

This Drug Testing Policy General Order mandates that officers to be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs as well as they are subject to mandatory random drug testing pursuant to AG Directive 2018-2.

Once a sworn officer is ordered to submit to a drug test, a negative result is a condition of employment as a sworn officer and that a positive result will result in:

1. The officer shall be immediately suspended from all duties.
2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
3. The officer shall be reported by his or her employer to the Central Drug Registry maintained by the Division of State Police.
4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

If a sworn officer refuses to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so, the officer is subject to the same penalties as an officer who test positive for the illegal use of drugs.

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.

## **V. SPECIMEN ACQUISITION PROCEDURES**

### **A. Preliminary Acquisition Procedures**

1. The Internal Affairs Supervisor or his/her designee shall be the Department's Monitor of the specimen acquisition process. The Monitor shall arrange for the collection of urine specimens from the officers selected as soon as possible. The monitor shall always be of the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the Department collecting the specimens, the Department may request that a member of the same gender from another law enforcement Department serve as monitor of the process.
2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form: "APPLICANT NOTICE AND ACKNOWLEDGMENT" consenting to the collection and analysis of their urine for illegal drugs. This form advises the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section IV.A of this SOP. Applicants are not required to complete a Drug Testing Medication Information form at this time.
3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute the form: "TRAINEE NOTICE AND ACKNOWLEDGMENT" advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section IV.B of this SOP. The form also advises the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall complete a Drug Testing Medication Information form: "DRUG TESTING MEDICATION INFORMATION" listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.
4. Prior to the submission of a urine specimen, an officer shall execute the form "OFFICER NOTICE AND ACKNOWLEDGMENT" advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section IV.C of this SOP. The form also advises the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn

officers shall complete the Drug Testing Medication Information form listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

## **B. Monitor's Responsibilities**

1. 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 (the donor).
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
  - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
  - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of the IA Supervisor to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
  - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

## **C. Urine Specimen Collection Procedure**

1. Unless otherwise noted, the below steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two (2) sealed specimen container kits.
3. The donor unseals both kits and removed the kit contents on a clean surface.

4. Using an ordinary pencil, the donor writes his/her SSN and the letter “A” below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as “bottle A” and “first specimen”, respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter “B” below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as “bottle B” and “second specimen”, respectively.
6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
  - a. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
8. If 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. The monitor indicates if the temperature is acceptable in the “Yes/No” column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation and secure them. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Section VI. Submission of Specimens for Analysis below).

#### **D. “Shy Bladder” Procedure**

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
  - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
  - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.

2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor 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.

#### **E. Second Specimen**

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen 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 Department.
3. The second specimen will be released by the NJSTL under the following circumstances:
  - a. The Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
  - b. The Department notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The Department 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 (SAMSHA) 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.
  - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
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 Department, and to the medical review officer.

#### **VI. SUBMISSION OF SPECIMENS FOR ANALYSIS**

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the law enforcement Department shall store the specimens in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement Department or commercial courier using. Specimens submitted by commercial courier must be packaged to ensure their integrity.
  - 1. If this department utilizes a commercial courier to deliver the specimens, we will:
    - a. Utilize “next day delivery”
    - b. In addition to the sealed container, all submissions will be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.
- D. *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.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory will be required to inspect each specimen for damage and evidence of tampering.
  - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the submitting Department in writing with the reason for rejection clearly stated.

## **VII. ANALYSIS OF SPECIMENS**

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, the Chief of Police may request that specimens be analyzed for the presence of steroids.

- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
- Amphetamines
  - Barbiturates
  - Benzodiazepines
  - Cocaine
  - Marijuana
  - Methadone
  - Opiates
  - Oxycodone/Oxymorphone
  - Phencyclidine
- C. The State Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. 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 Department 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.
- E. 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 Department, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form. Once the form has been completed, the Department 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.
- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement Department submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

## **VIII. DRUG TEST RESULTS**

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. 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 Department 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 Department.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or Department may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

## **IX. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by this Department.
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement Department to which the individual applied.
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement Department in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another Department 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.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - 1. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by this Department.
  - 2. Upon final disciplinary action by this Department, the trainee shall be terminated from employment as a law enforcement officer.

3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
  4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all duties.
  2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  3. The officer shall be reported by this Department to the Central Drug Registry maintained by the Division of State Police.
  4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

## **X. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST**

- A. Applicants who refuse to submit to a drug test during the preemployment process shall be:
1. Immediately removed from consideration for law enforcement employment; and
  2. Barred from consideration for future law enforcement employment for period of two years from the date of the refusal; and
  3. This Department 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:
1. 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; and
  2. This Department 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:
1. 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
  2. Permanently barred from future law enforcement employment in New Jersey; and
  3. This Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal.
- In addition, 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.

## **XI. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION**

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 this Department to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

## **XII. ACCIDENTAL/INADVERTENT EXPOSURE**

Any officer or employee who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty the officer or employee must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the Chief of Police or the Internal Affairs Commander through the chain of command. If the exposure occurs off duty, notification must be made without undue delay.

## **XIII. RECORD KEEPING**

- A. This Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. These drug testing records shall include but not be limited to:
  1. All drug testing:
    - a. The identity of those ordered to submit urine samples;
    - b. The reason for that order;
    - c. The date the urine was collected
    - d. The monitor of the collection process
    - e. 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;
    - f. The results of the drug testing;
    - g. Copies of notifications to the subject;
    - h. 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;
    - i. for any positive result or refusal, appropriate documentation of disciplinary action.
  2. Random drug testing, the records shall also include the following information:

- a. a description of the process used to randomly select officers for drug testing;
  - b. the date selection was made;
  - c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

#### **XIV. NOTIFICATIONS**

- A. This Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test.
- B. 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 this Department to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
- a. Name and address of the submitting Department, and contact person;
  - b. Name of individual who tested positive;
  - c. Last known address of the individual;
  - d. Date of birth;
  - e. Social security number;
  - f. SBI number (if known);
  - g. Gender;
  - h. Race;
  - i. Eye color;
  - j. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  - k. Date of the drug test or refusal;
  - l. Date of final dismissal or separation from the Department; and
  - m. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the Chief of Police and notarized with a raised seal.

E. 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

F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

1. In response to an inquiry from a criminal justice Department as part of the background investigation process for prospective or new personnel; and
2. In response to a court order.

G. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office **within 48 hours**. Upon completion of any disciplinary action, the Department shall report the discipline to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office.

H. By **December 31st** of each year, the Department shall provide written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

## **XV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

A. This Drug Testing Policy shall be made available to the public upon request.

- Any and all written reports created or submitted pursuant to AG Directive 2018-2 that identify specific officers are confidential and not subject to public disclosure.

**DRUG TESTING  
APPLICANT NOTICE AND ACKNOWLEDGMENT**

I, \_\_\_\_\_, understand that as part of the pre-employment process, the \_\_\_\_\_ 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 from 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 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 preemployment process.

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|                        |      |                      |      |
|------------------------|------|----------------------|------|
| Signature of Applicant | Date | Signature of Witness | Date |
|------------------------|------|----------------------|------|

**DRUG TESTING  
TRAINEE NOTICE AND ACKNOWLEDGMENT**

I, \_\_\_\_\_, understand that as part of the program of training at the \_\_\_\_\_, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my employer of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

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 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, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

\_\_\_\_\_  
Signature of Trainee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**DRUG TESTING  
OFFICER NOTICE AND ACKNOWLEDGMENT**

I, \_\_\_\_\_, understand that as part of my employment with \_\_\_\_\_, 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 above listed department.

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 refuse to undergo 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 or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of 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 use, 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.

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|                      |      |                      |      |
|----------------------|------|----------------------|------|
| Signature of Officer | Date | Signature of Witness | Date |
|----------------------|------|----------------------|------|

## 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.

Check 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.)

|   | Name of Medication | Date Last Taken |
|---|--------------------|-----------------|
| 1 |                    |                 |
| 2 |                    |                 |
| 3 |                    |                 |

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

\_\_\_\_\_  
Social Security Number and Initials

\_\_\_\_\_  
Date

