

HUNTERDON COUNTY PROSECUTOR'S OFFICE
Standard Operating Procedure



MO

<u>SUBJECT:</u> DRUG SCREENING FOR LAW ENFORCEMENT		<u>REVISION DATE:</u> May 30, 2018 January 25, 2019 October 29, 2021	<u>PAGE #:</u> all all
<u>EFFECTIVE DATE:</u> July 29, 2018	<u>ACCREDITATION STANDARDS:</u>		
<u>BY THE ORDER OF:</u> Reneé M. Robeson, Prosecutor Timothy J. Drew, Chief of Detectives	<u>REVIEWED BY:</u> Chief Timothy J. Drew		
<u>CROSS REFERENCE:</u> Attorney General Directive 2018-2	<u>PREPARED BY:</u> Captain Frank R. Crisologo		

I. Applicability

A. This policy applies to:

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for enforcing the criminal laws of this State and will be authorized to carry a firearm under *N.J.S.A. 2C:39-6*;
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basis training course; and
3. Sworn law enforcement officers, who are responsible for enforcing the criminal laws of this State, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under *N.J.S.A. 2C:39-6*. This includes chiefs and officers-in-charge.

- B. This policy does not apply to civilian employees of a law enforcement agency. Agencies that wish to drug test civilian employees should consult with legal counsel to establish drug testing policies and procedures consistent with human resource policies and/or collective bargaining rights.

C. Employment Status

Drug testing includes applicant testing, trainee testing, and officer testing. Testing is required of all police applicants and trainees. Law enforcement agencies are required to implement a random drug testing program for all sworn officers in their departments. Law enforcement agencies also have an independent obligation to drug test individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

1. Applicant Testing

Drug testing is an important component of a pre-employment background investigation. Prospective employees will be drug tested as a condition of employment. Law enforcement agencies engaged in the hiring process are required to drug test prospective employees at any point during the pre-employment process.

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 comply with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. 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 executive officer of the trainee's agency, or the academy director.

3. Officer Testing

Sworn law enforcement officers, including chiefs and officers-in-charge, shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. 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, including steroids. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the chief executive officer of the officer's agency.

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.

D. Types of Testing

1. Random Testing

Random drug testing of all county and local sworn law enforcement officers, including chiefs and officers-in-charge, is required. Random selection is defined as a method of selecting officers for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. An officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests. The mechanism for selecting officers can be as simple and inexpensive as placing names in a hat or as complex as a custom computer program.

The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency, but a minimum of ten percent (10%) must be randomly tested each time. Each agency must perform the random test at least twice in every subsequent calendar year. Each Law Enforcement agency will be responsible to select the random drug testing dates for their own agencies. If requested, the Hunterdon County Prosecutor's Office will select the dates for the requesting agency.

It shall be the policy of the Hunterdon County Prosecutor's Office to conduct the random drug testing as follows:

- i. All sworn law enforcement personnel (investigative staff) shall have their name written on identical tongue depressing sticks.
- ii. The labeled sticks will be compared to the current roster of all sworn members and confirmed by an Assistant Prosecutor and a member of the representative union to ensure all eligible members are included in the selection process.
- iii. Once confirmed, the sticks will be placed in a non-transparent bag which will be held over the head of the union representative selecting the sticks.
- iv. The union representative will then randomly select one stick at a time until the requisite number of sticks have been selected.
- v. As each selection is made the monitor shall write "selected" on the roster next to the name of each person selected.

- vi. After all selections are made the monitor, union representative, and assistant prosecutor shall review the roster and confirm the marked selections. Each will then sign and date the roster.

2. Reasonable Suspicion

Agencies must undertake drug testing when reasonable suspicion exists to believe a law enforcement officer is engaged in the illegal use of controlled substances. 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. Before a law enforcement officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report documenting the basis for the reasonable suspicion. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

II. Notification of drug testing procedure

A. Applicants

1. Agencies must notify applicants for law enforcement positions 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: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police and to the Hunterdon County Prosecutor; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug 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.

B. Trainees

1. All newly appointed law enforcement officers 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 trainee's dismissal from basic training; b) the trainee's termination from employment; c) inclusion of the trainee's name in the Central Drug Registry maintained by the Division of State Police and being reported to the Hunterdon County Prosecutor; and d) the trainee being 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 shall result in their dismissal from employment, a permanent ban from future law enforcement employment in New Jersey, and inclusion of their name in the Central Drug Registry maintained by the Division of State Police.

3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn law enforcement officers

1. Each municipal law enforcement agency shall include in its rules and regulations, as defined in *N.J.S.A. 40A:14-118*, and every county law enforcement agency shall include in appropriate standard operating procedures, a provision that individual law enforcement officers, including the chief or officer-in-charge, are subject to mandatory random drug testing and also will be ordered to submit to a drug test when reasonable suspicion exists to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report documenting the basis for the reasonable suspicion. The report shall be reviewed by the county prosecutor or the chief executive officer of the law enforcement agency before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. A negative result is a condition of employment as a sworn officer. 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 and being reported to the Hunterdon County Prosecutor; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
4. Officers 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 officers 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.

III. Specimen Acquisition Procedures

A. Preliminary acquisition procedures

1. The law enforcement agency shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested. In the event no member of the same gender is available from the agency collecting the specimens, the agency may request that a member of the same gender 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 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 donor identification numbers (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.

- c. Complying with chain of custody procedures established for the collection and submission for analysis of urine specimens to the New Jersey State Toxicology Laboratory.
 - d. Specimens shall be collected utilizing split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
 - e. Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.
3. Prior to submitting a urine specimen, an applicant for a law enforcement position 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 result in the consequences outlined in Section II A of this Policy. Applicants shall not complete Drug Testing Medication Information form (Attachment D) prior to submitting 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 this form if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
 4. Prior to submitting a urine specimen, a trainee enrolled in a basic training course shall execute a form 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 II B of the Policy (Attachment B). The form shall also advise the trainee that refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that the trainee ingested in the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope sealed by the trainee donor. The trainee donor shall date and initial the seal.
 5. Prior to submitting a urine specimen, sworn law enforcement officers shall execute a form advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outline in Section II C of this Policy (Attachment C). The form shall also advise the officer that refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that the officer ingested in the past 14 days. The Drug Testing

Medication Information form shall be placed in an envelope sealed by the officer donor. The officer donor shall date and initial the seal.

B. Specimen collection

1. Throughout the test process, the identity of individual applicants, trainees, and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of donor identification 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 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 each agency to contact the Laboratory to obtain the appropriate supplies and equipment, including the Law Enforcement Drug Testing Custody and Submission form.
3. Urine specimens will be collected and submitted in accordance with procedures established by the State Toxicology Laboratory.
4. To ensure the accuracy and integrity of the collection process, a monitor may:
 - a. Direct an individual applicant, trainee, or officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
5. If the monitor has reason to believe that an individual applicant, trainee, or 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 that individual. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the individual will attempt to compromise the integrity of the test process before there can be direct observation.

C. Urine Specimen Collection Procedures

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor completes the agency information, donor identification, and test information sections of Custody and Submission Form (CSF).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.

4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
 - a. The specimen containers shall be kept closed/unsealed at this time.
 - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes
 - a. A color change between 90 degrees and 100 degrees Fahrenheit indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the "Yes" or "No" box in the specimen collection section of the CSF. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility the officer attempted to tamper with the collection.
 - b. The monitor must follow the "shy bladder" procedure for the donors that initially are unable to produce an adequate amount of urine (See Section D, "Shy Bladder" Procedures).
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
 - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
 - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with tamper-evidence seals from the CSF.
 - a. The donor carefully removes the Bottle A Specimen Container Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with greater volume of urine (30mL).
 - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).

- c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
9. The monitor prints his/her name, signs, and dates the monitor/agency acknowledgement section of the CSF.
10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
13. Any remaining urine and the specimen collection container may be discarded.
14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section IV. 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. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.

2. The split specimen will be maintained at the Laboratory for a minimum of one year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
 - a. The agency is notified by the 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. 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 second test laboratory by commercial courier also following accepted chain of custody procedures.
5. Following testing of the split specimen, the independent laboratory will report the result of the specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

IV. Submission of Specimens for Analysis

- A. The New Jersey State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes 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 a specimen cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory (Attachment E).
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using "next day delivery." Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission form, which can be obtained from the laboratory, and the sealed envelope containing the Drug Testing 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. The State Toxicology Laboratory shall 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 agency in writing with the clearly stated reason for rejection.

V. 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, every law enforcement executive 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 Drug Testing Medication Information form (Attachment D) 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 medication 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. If an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the applicant complete the Drug Testing Medication Information form. Once the form has been completed, the agency is responsible for transmitting it 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 prior, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability, through its own facilities and facilities employed as references laboratories, to arrange drug testing for steroid abuse and other currently abused chemicals.

VI. 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 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 Drug Testing Medication Information form (Attachment D) explains the test result. The Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the donor's form. It is the responsibility of the submitting agency to determine whether the donor had a valid prescription for that drug. Donors who do not have a valid prescription are subject to disciplinary action, including termination by the agency.
- C. The submitting agency shall notify the applicant, trainee, or sworn officer of the positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. No individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

VII. 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 the agency.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.

3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
 5. Within 10 days after receipt of the applicant's positive test result, the chief executive of the law enforcement agency to which the applicant applied shall provide a confidential written notice to the Hunterdon County Prosecutor documenting that all proper procedures have been followed and that all notifications have been made.
- 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 and suspended from employment by his or her appointing authority.
 2. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer.
 3. The trainee shall be reported by the appointing authority 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.
 5. Within 10 days after receipt of the trainee's positive test result, the trainee's appointing authority shall provide a confidential written notice to the Hunterdon County Prosecutor documenting that all proper procedures have been followed and that all notifications have been made.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all duties.
 2. Upon final disciplinary action by the employing agency, the officer shall be 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.
 5. Within 10 days after receipt of the officer's positive test result, the officer's law enforcement agency's chief executive or designee shall provide a confidential written

notice to the Hunterdon County Prosecutor documenting that all proper procedures have been followed and that all notifications have been made.

VIII. Consequences of a Refusal to Submit to a Drug Test

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for a 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 to the Hunterdon County Prosecutor and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and to the Hunterdon County Prosecutor and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and to the Hunterdon County Prosecutor and note that the individual refused to submit to a drug test.

IX. Resignation/Retirement in Lieu of Disciplinary Action

- A. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to the Central Drug Registry and to the Hunterdon County Prosecutor and shall be permanently barred from future law enforcement employment in New Jersey.

X. Record Keeping

- A. Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
- B. Each agency's drug testing records shall include but not be limited to:
 - 1. For all drug testing:
 - a. The identity of those ordered to submit urine samples.
 - b. The reason for the 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 donor's physician that the medication was lawfully prescribed and does not render the donor unfit for duty.
 - i. For any positive result or refusal, appropriate documentation of disciplinary action.
2. For 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.
 - 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*.

XI. Central Drug Registry

- A. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police, and the Hunterdon County Prosecutor, 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 (Attachment F).
- 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 his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry and to the Hunterdon County Prosecutor shall include the following information as to each individual:
 - 1. Name and address of the submitting agency, and contact person.
 - 2. Name of the individual who tested positive.

3. Last known address of the individual.
 4. Date of birth.
 5. Social security number.
 6. SBI number (if known).
 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 the drug test or refusal.
 12. Date of final dismissal or separation from the agency.
 13. 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 or director and notarized with a raised seal.
- E. Notifications¹ to the Central Drug 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 Drug 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 agency as part of the background investigation process for prospective or new personnel.
 2. In response to a court order.

All procedures heretofore employed by the Hunterdon County Prosecutor's Office that conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Hunterdon County Prosecutor's Office are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.

#####

¹ A copy of the notification form also shall be sent to the Hunterdon County Prosecutor.