

	POINT PLEASANT BEACH DEPARTMENT OF POLICE RULES AND REGULATIONS / POLICIES AND PROCEDURES	SOP 2018-12
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ATTORNEY GENERAL	ISSUED BY: LT. GERALD J QUAGLIA	
PROSECUTOR'S OFFICE LED 2018-02	ISSUING AUTHORITY: CHIEF JOSEPH A MICHIGAN	EFFECTIVE DATE 10/10/2018

PURPOSE: The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised March 20, 2018 and Ocean County Prosecutor's Directive 2018-02.

POLICY: The Point Pleasant Beach Police Department shall adhere to the uniform policy and respective procedures for the implementation of mandatory drug testing in accordance with the New Jersey Attorney General's law Enforcement Drug Testing Policy revised May 2018 and Ocean County Prosecutor's Directive 2018-2.

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

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

The Attorney General Directive shall apply to all state, county and municipal law enforcement agencies and sworn officers who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6. Applicants for a position as a law enforcement officer and law enforcement trainees shall continue to be subject to drug testing as set forth in the Attorney General Testing Policy.

Whether it involves reasonable suspicion or random selection, a negative result is a condition of employment as a sworn officer and that a positive result will result in the officer's termination from employment, inclusion of the officer's name in the Central Drug Registry and the officer being permanently barred from future law enforcement employment in New Jersey.

This Standard Operating Procedure is considered an annex to the rules and regulations of the police department.

PROCEDURES:

I. DEFINITIONS

- A. Applicant: A person who applies for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C: 39-6. It also applies to SLEO I Officers and Parking Enforcement Officers.

- B. Central Drug Registry: This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances delineated in this general order, or the corresponding Attorney General Directive, are to be reported and recorded.

- C. Random Selection: Random selection shall be defined as a method of selection in which each and every sworn member of the agency (***excluding trainees in a police academy and sworn officers on extended sick/injury leave***), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this Policy, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)

- D. Sworn Officer: Persons who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C: 39-6.

- E. Trainee: A person who is employed by the agency and is subject to the Police Training Act while they attend a mandatory basic training course.

II. APPLICABILITY

- A. Applicants: Will be drug tested as part of the screening process of applicants who will be responsible for the enforcement of the criminal laws of this state as well as SLEO I and Parking Enforcement Officers. The testing will occur once a conditional offer of employment is made.
- B. Trainees:
1. Random - Trainees are required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules & regulations established by the Police Training Commission (PTC).
 2. Reasonable Suspicion - Individual trainees may also be required to submit a urine specimen for testing when there is 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.
- C. Sworn Law Enforcement Officers:
1. Urine specimens shall be ordered from a sworn law enforcement officer when there is reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief of Police of the agency.
 2. Urine specimens will be ordered from sworn law enforcement officers who have been randomly selected to submit to a drug test, during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens obtained via medical or fitness for duty exams are not governed by this policy.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants - As part of the application process, the agency will notify applicants in writing that drug testing is part of the screening process and that a negative test result is a condition of employment. Additionally, in the case of a sworn officer, the applicant will be advised in writing as to the ramifications of a positive test result or a refusal to submit a sample, which are:

1. 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 years from the date of the drug test.

Note: Additionally, the notification shall 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 - All trainees shall be given written notice that drug testing will take place while he/she attends the basic police academy and that a negative test result is a condition of employment. This notice also informs the trainee of the ramifications of a positive test result or a refusal to submit a sample, which are:

1. Trainee being terminated from employment; and

2. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police;
3. The trainee being permanently barred from future law enforcement employment in New Jersey.

C. Reasonable Suspicion Testing For Sworn Law Enforcement Officers

1. Testing Required - Individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Required Documentation - Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The Ocean County Prosecutor or the Chief of Police of the agency shall review the report before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. Negative Test Result Required for Employment - In accordance with this general order, a negative result is a condition of employment.
4. Refusal to Submit or a Positive Test Result - If the officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or produces a positive result from a drug test, the employee will be:
 - a. terminated from employment;

- b. included in the Central Drug Registry maintained by the Division of State Police; and
 - c. permanently barred from future law enforcement employment in New Jersey.
4. In accordance with this general order, 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.

D. Random CDS Testing For Sworn Law Enforcement Officers:

- 1. Random drug testing for law enforcement officers shall include:
 - a. Eligibility for Drug Testing: With few exceptions, all sworn members of the agency are eligible for random drug testing, regardless of rank or assignment. The method of random selection shall ensure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place. Officers who are on extended sick/injury leave and trainees in the police academy will be excluded from the agency random selection. (NOTE: Such reason for such exclusions shall be documented. Trainees are subject to the academy's drug screening process.)
 - b. Frequency/Numbers to Be Tested: The number of personnel tested will be 10% of sworn officers employed by the department during each testing process. This will include all regular police officers and Class II Special Law Enforcement Officers. Testing shall occur a minimum of two (2) times per calendar year, once during the first six months and once during the second six months.

- c. Monitoring the Selection Process: The Chief of Police, the Internal Affairs Officer (as designated by the Chief of Police) and a representative of New Jersey Police Benevolent Association Local 106 will attend the selection process. The Internal Affairs Officer will prepare the materials needed and will oversee the selection process.
 - 1) Testing periods will be determined by the Chief of Police or his designee.

- d. Confidentiality Of Those To Be Tested: Any member of the Department 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 Department officially announcing same or prior to the collection of urine specimens is subject to discipline.

- e. Random Selection System: The selection of officers to be tested will be made randomly in the following manner:
 - 1) Just prior to the testing periods, a pool of eligible candidates is prepared by the Internal Affairs Supervisor.

 - 2) Any Officer that is out on extended sick leave or currently attending a police academy will not be included in the pool.

 - 3) “Poker” chips with respective employee identification numbers are created for each of the eligible candidates. The list and chips are reviewed and confirmed by the Internal Affairs Supervisor and the Chief of Police. These chips are then placed into a container. In the presence of the Internal Affairs Supervisor and the Chief of Police, a representative of PBA 106 will select the number chips equal to 10% of the eligible candidates. Between each

selection, the container holding the chips is shaken to ensure randomization.

- 4) If an officer is selected and is scheduled to be off that day, they will be tested on the first day they return to work.
 - 5) The Internal Affairs Officer will record and maintain a file of the results of the selection process.
- f. System of Collection of Urine Specimens: A system to collect urine specimens from selected officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
- g. Refusal to Participate in Random CDS Testing: Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, 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 shall be deemed to have refused to submit to the drug test.

IV. SPECIMEN ACQUISITION PROCEDURES

A. Designation of Monitor/Monitor's Responsibilities:

1. The Chief of Police or designee has authorized and designated the Internal Affairs Supervisor or designee to serve as monitor of the specimen acquisition process.

2. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that the individual submitting the specimen fully and accurately completes all documentation.
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - c. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.

B. Applicants

1. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will:
 - a. Result in the applicant being dropped from consideration for employment;
 - b. In the case of a sworn officer, cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
 - c. In the case of a sworn officer, preclude the applicant from being considered for future law enforcement employment for a period of two years.

C. Trainees:

1. Prior to the submission of a urine specimen, the academy staff shall have a trainee enrolled in a basic training course execute a form advising the trainee that a negative result is a condition of employment and that a positive result will:
 - a. Result in the trainee being dismissed from basic training;
 - b. Cause the trainee to be dismissed from employment as a law enforcement officer by his or her appointing authority;
 - c. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and
 - d. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
 - e. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive.
2. Trainees shall also complete a medical questionnaire which clearly describes all medications, both prescription, and over-the-counter (nonprescription), that was ingested in the past 30 days.

D. Sworn Law Enforcement Officers:

1. Prior to the submission of a urine specimen, law enforcement officers shall complete a medical questionnaire which clearly describes all medications, both prescription, and over-the-counter (nonprescription), that was ingested in the past 30 days.
2. The officer shall also 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 outlined in Section VII D 3 of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive.

E. Specimen Collection: Applicants, Trainees, and Sworn Law Enforcement Officers

1. Confidentiality of Process: 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 employee social security number. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Containers to Be Utilized: Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Specimen Acquisition: Two urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology laboratory.
 - a. The monitor shall inspect the appropriate forms for accuracy/completeness.

- b. The monitor and the person voiding the sample shall inspect the package in which the specimen collection containers are contained to ensure it is intact.
- c. The applicant, trainee or sworn officer shall empty his/her pockets and thoroughly wash his/her hands prior to the voiding of the samples.
- d. The package containing the specimen bottle shall be broken and the applicant, trainee or sworn officer shall complete the specimen label in pencil. This label shall be placed inside the specimen bottles prior to the voiding of the sample.
- e. The applicant, trainee or sworn officer shall void into the specimen collection containers between 45 and 60ml.
- f. After the specimens have been produced, the applicant, trainee or sworn officer shall seal the specimen containers and deliver it to the monitor.
 - 1) The monitor shall confirm that the specimens are not adulterated. This includes inspection of the specimen bottles and verification of the temperature of the voided samples via the temperature strip on the specimen bottle. A temperature reading in the range of 90-100 degrees must be reached from 30 seconds after sample is voided and will remain up to 5 minutes after sample is voided. If the temperature is not within this range in the given time frame, the sample is considered to be adulterated and is to be discarded and a new specimen will be obtained while the monitor witnesses the voiding of the specimen. The circumstances surrounding the discarding of the adulterated specimen and the witnessing of the voiding of a new sample must be documented.

- g. Once the monitor is satisfied that the required documentation is accurate/complete and he/she has inspected the specimen containers to determine that a specimen has been produced, the monitor shall take possession of the specimens and ensure that proper chain of custody procedures are adhered to and ensure that it is delivered to the State Toxicology laboratory for analysis. For transportation purposes, the specimens should be placed in a cooler containing ice pack and transported in this manner.

- 4. Monitor Witnessing of Voiding of Sample: The applicant, trainee or sworn officer will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the monitor may directly observe the production of a specimen. In the case that the monitor and applicant, trainee or officer are of the opposite sex, a monitor of the same sex would be required. The person making that decision must document the facts underlying the belief that an individual may adulterate a specimen or compromise the integrity of the test process.

- 5. Unable to Produce a Specimen: When the applicant, trainee or sworn officer (donor) is unable to produce or 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.
 - d. 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.

6. Second Specimens:
- a. A donor whose specimen tested positive may only challenge the positive test results by having the second sample independently tested. The first specimen will not be retested.
 - b. The second specimen will be maintained at the State Toxicology Lab for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
 - c. The second specimen will be released by the NJSTL under the following circumstances:
 1. The agency is notified by the NJSTL that the first specimen tested positive for a controlled substance;
 2. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 3. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
 - d. 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 testing and pay all costs associated with the reception and testing of the sample.
 - e. 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.
 - f. Following testing of the second specimen, the independent laboratory will report the results of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

V. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. Laboratory to Conduct Analysis: The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens. The New Jersey State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering.

- B. Time Constraints for Submitting Samples: Urine specimens should be submitted to the State Toxicology Laboratory within one (1) working day of their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the specimen shall be stored in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory. Submissions of specimens 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.

- C. All specimens must be accompanied by the law enforcement drug testing custody and submission form and the sealed envelope containing the medication information form. The NJSTL 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.

- D. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the NJSTL shall inspect each specimen for damage and evidence of tampering. The laboratory may reject any specimen it has reason to believe has been tampered with or is damaged. The submitting agency will be notified in writing for the reason for rejection.

VI. ANALYSIS OF SPECIMENS

A. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for law enforcement agencies:

1. Initial Test - All specimens will undergo an initial screening. The initial screening determines whether one or more of the substances listed under VI A 4 of this policy 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. Confirmation Test - Those specimens that test positive for CDS following the initial test, shall be subject to a mass spectrophotometry analysis to confirm the presence of the CDS.
3. Medical Review of Positive Results - In the event a specimen is confirmed to be positive for a controlled substance following the mass spectrophotometry, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that specimen tested positive.
4. Substances Test is to Identify - The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. amphetamine/methamphetamine;

- b. barbiturates;
- c. benzodiazepine;
- d. cocaine;
- e. marijuana;
- f. methadone;
- g. phencyclidine;
- h. opiates/oxycodone/oxymorphone; and
- i. steroids, when appropriate and at the discretion of the agency's chief law enforcement executive.

5. Steroids

- a. Random Testing - Agencies retain the option to incorporate the testing for steroids into their random drug testing program.
- b. Reasonable Suspicion Drug Testing - The testing for the presence of steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.

6. Analysis Protocol - The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to

security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

VII. CDS TEST RESULTS (NEGATIVE V. POSITIVE)

- A. Negative Results - When the results are received from the State Toxicology Laboratory and they are negative, the designated officer will generate a letter indicating that the results were indeed negative, attach a copy of the laboratory report to this letter, place it in an envelope and seal it. This envelope will then be delivered to the contact officer.
- B. Positive Results:
1. Notification of the Agency of Positive Results - The State Toxicology Laboratory shall notify the agency of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within 15 working days of the submission.
 2. Medical Review Required Prior to Notification of Agency - The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
 3. Notification of the Person Tested - The agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- C. Resubmission of Sample for Re-Testing - Under no circumstances may the agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

D. Consequences of a Positive Test Result

1. Applicant - When an applicant tests positive for illegal drug use:

- a. The applicant shall be immediately removed from consideration for employment by the department;
- b. In the case of a sworn officer, 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; and
- c. In the case of a sworn officer, 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.
- d. 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.

2. Trainee - When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

- a. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority; and

- b. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority; and
 - c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 - d. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
3. Sworn Law Enforcement Officer - When a sworn law enforcement officer tests positive for illegal drug use:
- a. The officer shall be immediately suspended from all duties; and
 - b. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action;
 - c. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
 - d. The officer shall be permanently barred from future law enforcement employment in New Jersey.

E. Consequences of a Refusal to Submit to a CDS Test

- 1. Applicants - 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 in the case of a sworn officer, barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the agency shall forward the applicant's name to the

Central Drug Registry and note that the individual refused to submit to a drug test.

2. Trainee - 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.
3. Sworn Law Enforcement Officer - 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 agency shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

F. Officer Who Resigns/Retires After Testing Positive or Refusing Test

1. 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 the agency to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

VIII. RECORD KEEPING

A. Maintenance of Records

1. The Internal Affairs Unit of each agency shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers. Said records shall be maintained with the same level of confidentiality and security required for internal affairs files pursuant to the Attorney General Guidelines on file security.

B. File Contents

1. The drug testing records shall include but not be limited to:
 - 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, if applicable, 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. For random drug testing, the records will 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.

IX. CENTRAL DRUG REGISTRY

- A. Notification Required - The agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants (when sworn officers), trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample.
- B. Documentation Needed of Notification - Notifications to the Central Drug Registry occur by the employing agency completing and sending it to:

Division of State Police

State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068

C. Access to Information Contained in the Central Registry - Access to this information in the registry is limited to:

1. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
2. In response to a court order.

X. COUNTY PROSECUTOR

- A. In the event of a positive drug test by an officer, a refusal by an officer to take a drug test or the administration of a reasonable suspicion drug test to an officer, the agency's Chief Executive or designee shall provide a confidential, written notice to the Ocean County Prosecutor within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the same.
- B. By January 31st of each year, written notice shall be provided to the Ocean County Prosecutor 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.

XI. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. All random drug testing policies adopted by the agency shall be made available to the public upon request and shall be posted on the agency's website.
- B. All reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.

