

FREEHOLD TOWNSHIP POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: DRUG SCREENING PROGRAM		G.O. # 2018-05	
		EFFECTIVE DATE 5-24-2018	
SUPERSEDES	ORDER # G.O #2018-03	DATED: 3-20-2018	SECTION CODE

I. PURPOSE

The purpose of this document is to clearly define the duties, responsibilities, and procedures for administering the *Drug-Screening Program* for Police Personnel of the Freehold Township Police Department. This General Order is in compliance with the Policies established by the New Jersey State Attorney General's Office and the Monmouth County Prosecutor's Office.

II. POLICY

The Freehold Township Police Department recognizes that drug abuse represents one of the most serious threats to the stability of our society and that the Police Department is responsible for dealing with drug abuse. Furthermore, that the public expects all members of this Department possess the integrity, physical coordination, and clear judgment necessary to provide Police services. Finally, not only is illegal drug use a violation of the law we were Sworn to uphold, 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. It is therefore, the Policy of the Freehold Township Police Department that drug abuse by any employee will not be tolerated and is expressly prohibited. It is the Policy of the Freehold Township Police Department that all drug testing of applicants, trainees and Sworn Officers be conducted in accordance with this policy.

III. PROCEDURE

A. DEFINITIONS:

1. **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.
2. **TRAINEE:** A person who employed by the Police Department and is subject to the Police Training Act while they attend a mandatory basic training course.

3. 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.
4. RANDOM SELECTION: Random selection shall be defined as a method of selection in which each and every Sworn member of the Police Department (*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 Officers’ return is not anticipated for at least one month from the date of the selection.)

B. TYPES OF DRUG TESTING:

1. APPLICANTS:

Although drug testing of applicants is not mandated by the Attorney General Guidelines, the Freehold Township Police Department, as part of the screening process of applicants for a Law Enforcement Officer position requires such testing.

2. LAW ENFORCEMENT TRAINEES:

- a. **Required Testing:** 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.
- b. **Reasonable Suspicion:** Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Chief of Police, or the Academy director.

3. SWORN LAW ENFORCEMENT OFFICERS:

- a. Urine specimens shall be ordered from a Sworn Law Enforcement Officer when there exists 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.
- b. Urine specimens may be ordered from Sworn Law Enforcement Officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every

Sworn member of the Freehold Township Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

- c. Urine specimens may 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 obtained are not governed by this policy.

C. NOTIFICATION OF DRUG TESTING PROCEDURES:

1. APPLICANTS:

Applicants, as part of the application process, are required to complete the "Drug Testing Applicant Notice & Acknowledgement" form (Attachment A) which clearly notifies the applicant that drug testing is part of the screening process and that a negative test result is a condition of employment. Within the "Drug Testing Applicant Notice & Acknowledgement" form is notice of the ramifications of a positive test result or a refusal to submit a sample, which are:

- a. Applicant being dropped from consideration for employment;
- b. Cause the applicants name to be reported to the central drug registry maintained by the Division of State Police;
- c. Preclude the applicant from being considered for future Law Enforcement employment for a period of two (2) years from the date of the drug test.
- d. Additionally, the form indicates that if the applicant is 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.

2. TRAINEE:

All newly appointed Law Enforcement Officers shall be informed that drug testing is mandatory during basic training and that a negative test result is a condition of employment. Trainees are required to complete the "Drug Testing Trainee Notice & Acknowledgement" form (Attachment C). This document delineates the ramifications of a positive test result, which are:

- a. Trainee being terminated from employment;
- b. The inclusion of the Officer's name in the central drug registry maintained by the division of the New Jersey State Police;

- c. The Officer being permanently barred from future Law Enforcement employment in New Jersey.
 - d. Newly appointed Officers shall be further informed that 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.
3. SWORN LAW ENFORCEMENT OFFICERS - REASONABLE SUSPICION TESTING:
- a. **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.
 - b. **Required Documentation:** Before an Officer may be ordered to submit to a drug test based on reasonable suspicion, a written report that documents the basis for the reasonable suspicion shall be prepared. The County Prosecutor or the Chief of Police 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.
 - c. **Negative Test Result Required for Employment:** A negative result is a condition of employment.
 - d. **Refusal to Submit or 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:
 - 1. Terminated from employment;
 - 2. Included of the Officer's name in the central drug registry maintained by the Division of the State Police;
 - 3. Permanently barred from future Law Enforcement employment in New Jersey.
 - e. 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 DRUG TESTING FOR SWORN LAW ENFORCEMENT OFFICERS:

- 1. ELIGIBILITY FOR DRUG TESTING:

With few exceptions, all Sworn members of the Freehold Township Police Department are eligible for random drug testing, regardless of rank or assignment. Officers who are on extended sick/injury leave, over 30 days, and trainees in the Police Academy will be excluded from the Freehold Township Police Department random selection. Trainees are subject to the Academy's drug screening process.

2. FREQUENCY/NUMBERS TO BE TESTED:

Random drug testing will occur two times per year, with 10% of the total number of Sworn Officers of the Department to be randomly tested each time. The dates and times of the testing will be determined by the Chief of Police or his designee.

3. MONITORING THE SELECTION PROCESS:

The process (random selection of the names) shall be monitored and witnessed by the Freehold Township Chief of Police or his designee, a representative of Freehold Township Internal Affairs, and the President of PBA 209 or his designee.

4. CONFIDENTIALITY OF THOSE TO BE TESTED:

Any member of the Police 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 collection of urine specimens shall be subject to discipline.

5. RANDOM SELECTION SYSTEM:

The selection of Officers tested shall be conducted via a random selection, utilizing "Randomware" software installed in the Internal Affairs commander's computer. The random selection methodology used by this software is unbiased and mathematically sound.

The most current roster will be utilized and all Sworn members will be entered into the program for possible selection. Only those Officers determined to be ineligible for consideration for the selection process by the Chief of Police will be eliminated from the selection process (i.e., Trainees in the Academy or Officers on extended sick/injury leave).

The Internal Affairs Officer will allow all witnesses to view the computer screen in order to verify that all Officers, both eligible and excluded, are listed prior to the selection. Once this verification is complete, the view of the screen will be obstructed from the witnesses and the Internal Affairs Officer will start the computerized random program.

Once the Officers to be tested are selected by the random program, the list of selected Officers will be printed. The Internal Affairs Officer, without allowing

any witness to see the actual names selected, will have each witness sign/date the back of the computer generated list. This action will serve to confirm that this list was indeed the one generated in front of the witnesses. This hard copy will be retained in the respective Internal Affairs file.

The Internal Affairs Officer will supply a copy of the selected Officers to the Chief of Police, who will then notify the designated monitor of the identity of the Officers selected and direct sample acquisition. The Randomware Program “history file” maintains a permanent record of all tests conducted and the Officers selected. Hard copy documentation of all random drug testing selections and the results will be placed in the Internal Affairs files and accessed via Court Order should there be a challenge to the process.

6. SYSTEM OF COLLECTION OF URINE SPECIMENS:

Officers selected for random drug testing shall, upon arrival for or departure from their next scheduled tour of duty, be directed to void a specimen pursuant to the procedures identified in this policy. One of the monitors (as designated by the Chief of Police) shall be responsible for completing the forms and for ensuring the specimens are transported to the State Toxicology Lab for analysis purposes.

7. REFUSAL TO PARTICIPATE IN RANDOM DRUG TESTING:

Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those Officers who test positive for illegal drug use. 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.

E. SPECIMEN ACQUISITION PROCEDURES:

1. DESIGNATION OF MONITOR/MONITOR RESPONSIBILITIES:

- a. The Police Department shall designate a member of its staff to serve as monitor of the specimen acquisition process. In most cases the monitor will be the Commander of the Internal Affairs unit unless his/her name is selected to be tested, is unavailable for the assignment or an Officer of the opposite sex is selected for the testing process. Under these circumstances the Chief of Police will assign the monitor responsibilities to either another appropriate member of the staff or an Officer selected from another agency. The monitor shall always be the same sex as the individual being tested. In the event there is no member of the same sex available from the Police Department, the Chief of Police may request that a member of the same sex from another agency serve as monitor of the acquisition process.

b. Monitor Responsibilities:

1. Ensure that the individual submitting the specimen fully and accurately completes all documentation.
2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
3. Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Lab within the Division of Criminal Justice for analysis.

2. APPLICANT:

- a. Prior to submission of a specimen, an applicant for a Law Enforcement position shall complete the "Drug Testing Applicant Notice & Acknowledgment" form, (Attachment "A"). This form notifies the applicant that a negative result is a condition of employment and that a positive test 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 years.
- b. Applicants shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment.
- c. Applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the Police Department receives a report indication that the specimen tested positive for a controlled substance.

3. TRAINEE:

- a. Prior to submission of a specimen, the Academy staff shall have the trainee complete the "Drug Testing Trainee Notice & Acknowledgment" form, utilized by that particular Academy. The contents of this form advise the following:
 1. Result in the trainee being dismissed from basic training;
 2. Cause the trainee to be dismissed from employment as a Law Enforcement Officer by the Township of Freehold.
 3. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and
 4. Cause the trainee to be permanently barred from future Law Enforcement employment in New Jersey.
 5. The refusal to participate in the testing process carries the same penalties as testing positive.
- b. The trainee will be required to complete a "Drug Testing Medication Information" form that identifies medications (prescription & non-prescription [i.e., over-the-counter] that were ingested in the past fourteen, 14 days).

4. SWORN LAW ENFORCEMENT OFFICER:

- a. Prior to submission of a urine specimen, Sworn Law Enforcement Officers complete a "*Drug Testing Medication Information*" form (Attachment B) that identifies medications (prescription & non-prescription [i.e., over-the-counter] that were ingested in the past fourteen, 14 days), place it into an envelope provided by the monitor and seal the envelope. Both the Officer and the monitor shall initial the flap of the envelope and the monitor shall place clear tape over the initials. All specimens must be accompanied by the respective "Testing Medication Information" form upon delivery to the New Jersey State Toxicology Lab.

F. SPECIMEN COLLECTION – APPLICANTS, TRAINEES, SWORN LAW ENFORCEMENT OFFICERS:

1. CONFIDENTIALITY OF PROCESS:

Throughout the test process, the identity of the individual applicants, trainees, and Sworn Law Enforcement Officers shall remain confidential. Individual specimens shall be identified throughout the process by use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Lab.

2. CONTAINERS TO BE UTILIZED:

Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Lab. 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 Lab.

3. SPECIMEN ACQUISITION:

Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Lab.

- a. The monitor shall inspect the appropriate forms for accuracy/completeness with the exception of the required "*Drug Testing Medication Information*" form. In regards to this form the assigned monitor will explain the contents of the form to the tested Officer, answer any questions and ensure the Officer has complete understands of what medical information is required. After completing the "*Drug Testing Medication Information*" form the tested Officer will sign and date a separate form (attachment B-1) indicating that the monitor fully explained the form to ensure understanding in regards to accuracy/completeness of the medical information provided.
- b. The monitor and the person voiding the sample shall inspect the package in which the specimen bottle is contained to ensure that 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 sample.
- d. The package containing the specimen bottle shall be broken and the applicant, trainee or Sworn Officer shall complete the specimen label in pencil (social security number, name of monitor, date & time). This label shall be placed inside the specimen bottle prior to the voiding of the sample.
- e. Prior to the voiding of the sample, the monitor shall place a bluing agent into the water of the toilet and shall restrict any other water supply.
- f. The applicant, trainee or Sworn Officer shall be instructed not to flush the toilet until after the sample has been voided, sealed and surrendered to the monitor.

- g. The applicant, trainee, or Sworn Officer shall void, without the direct observation of a monitor, into the specimen collection container (50ml). If there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process the monitor may directly observe the production of a specimen. 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.
- h. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
- i. The monitor shall confirm that the specimen is not adulterated. This includes inspection of the specimen bottle and verification of the temperature of the voided sample 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. 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.
- j. Once the monitor is satisfied that the required documentation is accurate/complete and he/she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen, ensure proper chain of custody procedures are adhered to and ensure whenever practicable that it is delivered to the State Toxicology Lab for analysis within one working day. For transportation purposes, the specimen shall be placed in cooler containing ice packs and transported in this manner.

4. UNABLE TO PRODUCE A SPECIMEN:

Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

5. SECOND SPECIMENS:

Trainees and Sworn Law Enforcement Officers shall provide the monitor with a second urine specimen at the same time the first specimen is collected.

- a. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
- b. The Police Department shall maintain possession of the second specimen for a period of sixty (60) days or until the Police Department receives notification from the State Toxicology Lab that the first specimen tested negative for the presence of a controlled dangerous substance.
- c. The second specimen shall be released by the Police Department under the following circumstances:
 1. The Police Department is notified by the State Toxicology Lab that the first specimen tested positive for a controlled dangerous substance; and
 2. The Police Department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 3. The Officer must designate a lab that is licensed as a clinical lab by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
 4. A representative of the licensed clinical lab designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within sixty (60) days of the date the specimen was produced.

G. SUBMISSION OF SPECIMENS FOR ANALYSIS:

1. LAB TO CONDUCT ANALYSIS:

The NJ State Toxicology Lab 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 of lab for purposes of analyzing urine specimens.

2. TIME CONSTRAINTS FOR SUBMITTING SAMPLES:

Urine specimens should be submitted to the State Toxicology Lab within one (1) working day of their collection. In the event a specimen cannot be submitted to the lab within one (1) working day of its collection, the Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Lab. Specimens are to be submitted by Police Department personnel only and not by commercial courier.

H. ANALYSIS OF SPECIMENS:

The State Toxicology Lab will utilize the following test procedures to analyze urine specimens for Law Enforcement agencies:

1. INITIAL TEST: All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
2. CONFIRMATION TEST: Those specimens that test positive for CDS following the fluorescence polarization immunoassay shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled dangerous substance.
3. MEDICAL REVIEW OF POSITIVE RESULTS: In the event a specimen is confirmed to be positive for a controlled substance following gas chromatography/mass spectrophotometry, a medical review Officer at the lab 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 PD to obtain additional 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 Lab shall analyze each specimen for the following substances:
 - a. Amphetamine/methamphetamine;
 - b. Barbiturates;
 - c. Benzodiazepine;
 - d. Cannabinoids;
 - e. Cocaine;
 - f. Methadone;

g. Phencyclidine; and

h. Opiates.

5. ANALYSIS PROTOCOL: The analysis of each specimen shall be done in accordance of procedures adopted by the State Toxicology Lab. 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.

I. DRUG TEST RESULTS:

1. NEGATIVE RESULTS:

When the results are received from the lab and they are negative, the Internal Affairs Officer will generate a letter indicating that the results were indeed negative, attach a copy of the lab report to this letter, place it in an envelope and seal it. This envelope will then be delivered to the Officer involved.

2. POSITIVE RESULTS:

a. NOTIFICATION OF A POSITIVE TEST RESULT:

The State Toxicology Lab shall notify the Police Department of any positive test results from the specimens submitted for analysis. All reports of positive test results shall be in writing and sent to the Police Department within fifteen (15) working days of the submission.

b. MEDICAL REVIEW REQUIRED PRIOR TO NOTIFICATION:

The State Toxicology Lab 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.

c. NOTIFICATION OF PERSON TESTED:

The Police Department 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 Lab. Upon request, the individual may receive a copy of the lab report.

3. RESUBMISSION OF SAMPLE FOR RE-TESTING:

Under no circumstances may the Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be re-tested.

J. 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;
 - b. The applicant shall be reported to the central drug registry maintained by the Division of State Police by the Police Department to which the individual applied;
 - c. The applicant shall be precluded from consideration for future Law Enforcement employment by any Law Enforcement Agency in NJ for a period of two (2) 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/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/her appointing authority;
- b. The trainee shall be terminated from employment as a Law Enforcement Officer, upon final disciplinary action by the appointing authority;
- 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 NJ.

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;
- b. The Officer shall be terminated from employment as a Law Enforcement Officer, upon final disciplinary action;
- c. The Officer shall be reported to Central Drug Registry maintained by the Division of State Police by his/her employer; and
- d. The Officer shall be permanently barred from future Law Enforcement employment in NJ.

K. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG 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 barred from consideration for future Law Enforcement employment in New Jersey for a period of two years. In addition, the Police Department shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

2. TRAINEES:

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 Police Department 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 Police Department shall forward the trainee's

name to the Central Drug Registry and not that the individual refused to submit to a drug test.

L. OFFICER WHO RESIGNS/RETIREES AFTER TESTING POSITIVE OR REFUSES TO SUBMIT TO TEST:

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 completion of final disciplinary action, shall be reported by the Department to the Central Drug Registry and shall be permanently barred from future Law Enforcement employment in New Jersey.

M. RECORD KEEPING:

1. MAINTENANCE OF RECORDS:

Internal Affairs shall maintain all records relating to drug testing of applicants, trainees, and Law Enforcement Officers.

2. FILE CONTENTS:

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 Lab;
- f. The results of the drug testing;
- g. Copies of notification to the subject;
- h. For any positive result or refusal, appropriate documentation of disciplinary action.

3. RANDOM DRUG TESTING:

The file shall also include the following information:

- a. A description of the process used to randomly select Officers for drug testing;
 - b. The date the selections were 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.
4. 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.

N. CENTRAL DRUG REGISTRY:

1. NOTIFICATION REQUIRED:

The Central Drug Registry shall be notified of the identity of the applicants, trainees and Sworn Law Enforcement Officers who test positive for illegal use of drugs or refuse an order to submit a urine sample.

2. DOCUMENTATION NEEDED FOR NOTIFICATION:

Notifications to the Central Drug Registry shall include the following information as to each individual:

- a. The name & address of the Police Department and contact person;
- b. The name of the individual who tested positive;
- c. The last known address of the individual;
- d. The date of birth of the individual;
- e. The social security number of the individual;
- f. The SBI number of the individual (if applicable);
- g. The gender of the individual;
- h. The race of the individual;

- i. The individual's eye color;
- j. The date of the drug test or refusal;
- k. The date of the final dismissal or separation from the agency; and
- l. Whether the individual was an applicant, trainee, or Sworn Law Enforcement Officer.

3. NOTIFICATIONS SENT TO:

Records & Identification Section
Division of State Police
P.O. Box 7068
West Trenton, NJ 08628-0068

4. INFORMATION CONTAINED IN THE CENTRAL REGISTRY MSY BE RELEASED BY THE DIVISION OF STATE POLICE ONLY UNDER THE FOLLOWING CIRCUMSTANCES:

- a. In response to an inquiry from a Law Enforcement agency as part of the background investigation process for prospective or newly appointed personnel; or
- b. In response to a Court Order.

By Order of:

Chief Ernest H. Schriefer