

GENERAL ORDER GO-02-01	DATE ISSUED: January 2, 2002	EFFECTIVE DATE: February 27, 2023	Revised:	
			Date:	Section:
SUBJECT: Drug Testing Policy			3/23/18	XII
REFERENCES: Somerset County Law Enforcement Drug Testing Policy 2023, AG Directive 2018-2			5/16/18	Various
			1/23/2020	D-2
ISSUED BY CHIEF: William G. Parenti			2/27/2023	DMS

**I. BACKGROUND:**

This Department has a legal responsibility and management obligation to ensure a safe work environment. The goal of the policy is deterring illegal drug use, including unregulated marijuana, by our officers. This policy provides NPPD with a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn NPPD officers, this policy mandates that officers who test positive shall be terminated from employment. This policy seeks to ensure that the employment rights of individual law enforcement officers are safeguarded consistent with legal principles. The North Plainfield Police Department has adopted both the Somerset County’s Law Enforcement Drug Testing guidelines along with the Attorney General’s Guidelines for Drug Testing.

**II. POLICY:**

It is the policy of this Department that the below procedures and the NJAG guidelines be adhered to when testing applicants, trainees and Sworn members for the use of both illegal drugs and unregulated cannabis.

**III. ACTION:**

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#### **IV. Applicability**

A. This policy applies to:

1. Applicants: Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of the State and will be authorized to carry a firearm under N.J.S.A. 2C: 39-6.
2. Trainees: Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
3. Sworn Law Enforcement Officers: Sworn law enforcement officers 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.

#### **V. Types of Drug Testing**

A. Applicants for a position as a law enforcement officer.

1. Applicants shall be required to submit a urine specimen at any time prior to appointment.

B. Law Enforcement Trainees.

2. Trainees will be 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 rules and regulations established by the Police Training Commission.
3. 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 or is under the influence of a controlled dangerous substance or cannabis during work/training hours. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor and the Academy Director or the Chief Executive Officer of the trainee's agency.

C. Sworn Law Enforcement Officers

1. Urine specimens shall be ordered from sworn law enforcement officers when there exists reasonable suspicion to believe that the officer is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work / training hours. Urine specimens

shall not be ordered from an officer without the approval of the County Prosecutor and the Chief Executive Officer of the officer's agency.

2. Urine specimens shall be collected from 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 law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
3. 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 are not governed by this policy.

## **VI. Notification of Drug Testing Procedures:**

### **A. Applicants**

1. Agencies that choose to test applicants for law enforcement positions must notify those applicants that the pre-employment process will include drug testing. The 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 registry maintained by the Division of State Police; and (c) preclude the applicant from being considered for future law enforcement for a period of two years. 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. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

### **B. Trainees**

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 officer's termination from employment; and (b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; (c) the officer being permanently barred from future law enforcement employment in New Jersey; and (d) result in the trainee being dismissed from basic training.

2. 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 and inclusion of the trainee's name in the central drug registry maintained by the Division of State Police.
3. Each Police Academy shall include in its rules and regulations a provision-implementing drug testing during basic training.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. Each municipal and county law enforcement officer in New Jersey will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is engaged in the illegal use of a controlled dangerous substance or is under the influence of a controlled dangerous substance, including unregulated marijuana, or cannabis during work / training hours. Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
  - a. The nature and the source of the information;
    - i. Whether the information constitutes direct evidence or is hearsay in nature;
  - b. The reliability of the informant or source;
    - ii. Whether corroborating information exists and the degree to which it corroborates the accusation; and
    - iii. Whether and to what extent the information may be stale.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor and 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 to the Chief of Police.
3. A negative result is a condition of employment as a sworn officer and a positive result will result in: (a) the officer's termination from employment; (b) inclusion of the officer's name in the central registry maintained by the Division of State Police; 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 drugs. A sworn 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.
5. Reasonable Suspicion Testing for Cannabis Use Consuming or being under the influence of cannabis while at work or during work hours is strictly prohibited. Officers shall be tested for cannabis in the following situations:
  - a. Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
  - b. Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's duties.
  - c. In the above situations, the drug test shall include a physical evaluation by a Workplace Recognition Expert (WIRE) to determine the officer's state of impairment and a urinalysis.

**NOTE:** If a WIRE / DRE are not immediately available the officer may be examined by a licensed Physician at the choosing of the police department.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. Eligibility for Drug Testing - All sworn members of municipal and county law enforcement agencies in New Jersey are eligible for random drug testing, regardless of rank or assignment.
2. Frequency of Drug Testing - The random drug testing shall occur bi-annually (twice every calendar year). The North Plainfield Police will test 5 persons during each testing process (10 persons annually)
3. Random Selection Process - A system must be established by which the selection process can be verified and documented in order to ensure that all sworn members of the law enforcement agency have an equal chance of being selected each time a selection is made.
4. The North Plainfield Police Department will use the Drug Screening Randomizer in the Internal Affairs Module of the Infoshare system. The

Drug Screening Randomizer is an enhancement for the Internal Affairs Module that complies with the requirements for frequency, selection, and documentation established in the *New Jersey Attorney General 's Law Enforcement Drug Testing Policy* and Attorney General Directive 2018-2 – *Statewide Mandatory Random Drug Testing*

5. The Internal Affairs Officer will periodically review the current list of the agencies' sworn personnel and update the list in the Infoshare system as changes occur in the active list of department personnel. The system assigns a globally unique identifier (GUID) to each member as part of the random selection process.
6. The Internal Affairs Officer will then meet with representatives of the PBA and PBASO and review the current active member list and compare that list to the roster of current members provided by the Office of the Chief of Police. Once this list is approved, the PBA and PBASO representatives will sign the list.
7. The Internal Affairs Officer will then create a new drug screening package based on the number of members required by the guidelines and generate the list.

**Note:** The Somerset County Prosecutor has approved this method in writing prior to our implementing

8. Individual Selected for Random Drug Testing Not Available - In the event that an individual is randomly selected for drug testing and they are not available, (i.e., vacation, sick or other short term excused absence), they will provide a specimen to be tested to the monitor on either their next working day or a random day picked by the Chief of Police. If the individual who has been randomly selected is on extended sick or medical leave then an alternate individual will be randomly selected in their place.
9. Number of Personnel to be tested – The number of officers selected shall be greater than 10 % per year.
10. Monitoring the Process – The process (random selection of names) shall be monitored and witnessed by up to One (1) representative from the agency's bargaining units, the Chief Executive Officer of the agency or his/her designee (a Lieutenant or above) in their absence and the Internal Affairs Officer. These individuals are required to adhere to the provisions of this policy concerning confidentiality of the officers selected to be tested.
11. Confidentiality of Those to be Tested – Any member of the agency 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.

12. Refusal to Participate in Random Drug Testing – Personnel who refuse to submit to a random drug test when randomly selected are subject to the same penalties as those who test positive for illegal drug use. Officers refusing to participate must refuse in writing.
  - a. 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.
13. Implementing a Random Drug Testing Program – Law enforcement agencies that establish a random drug testing program for their sworn law enforcement officers must do so by rule and regulation as defined in N.J.S.A. 40A:14-118 for municipal law enforcement agencies or by appropriate standard operating procedures for county law enforcement agencies. Random drug testing cannot be implemented until rules and regulations establishing such a procedure have been in effect for a minimum of 60 days.

## **VII. Specimen Acquisition Procedures:**

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

1. The Internal Affairs Officer or his/her appointee shall serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex 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 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 the chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory for analysis.
3. 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. (A copy of this form and all current forms for this policy are in scanned files) 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) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and (c) preclude the applicant from being considered for future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire prior to the submission of 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 a medical questionnaire if, following 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 submission of 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: 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. The form shall also advise the trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire (latest copy is in scanned files) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.
5. Prior to submission of a urine specimen, Personnel shall complete a medical questionnaire which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days. Including Vitamin and health Supplements.

#### B. Specimen Collection

1. 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 the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory. The urine specimen shall be collected from the selected officers in a prompt, efficient and confidential manner.
2. 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. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
  - a. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer or other personnel shall write the social security number and the letter “A” on the paper provided in the collection container and then void into the specimen collection container.
  - b. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
  - c. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of both specimens and ensure that both are delivered to the State Toxicology Laboratory for analysis.
4. Individuals 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 production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
5. 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.
6. Personnel shall provide the monitor with a second urine specimen at the time the first specimen is collected.
  - a. The second specimen shall be collected in the same fashion as the first specimen and marked as “B” under the social security number of the individual providing the specimen. The monitor shall take possession of the second specimen and take it to the State Toxicology Lab to be maintained.
  - b. The State Toxicology Lab shall maintain possession of the second specimen for a period of 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.

- c. The second specimen shall be released by the State Toxicology Lab under the following circumstances:
      - i. The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
      - ii. The law enforcement agency notifies the donor that the first specimen tested positive for a controlled substance; and
      - iii. The agency is informed by the donor whose specimen tested positive that he / she wishes to challenge the positive test result.
7. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
8. 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.
9. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

### **VIII. Submission of Specimens for Analysis:**

- A. 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.
- B. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event that a specimen cannot be submitted to the laboratory within one working day of its collection, it shall be stored in the controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  1. Submissions to the State Toxicology Laboratory may be accompanied 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.

**IX. 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 to 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:
  - 1. Amphetamines
  - 2. Barbiturates
  - 3. Benzodiazepines
  - 4. Cocaine
  - 5. Methadone
  - 6. Opiates
  - 7. Oxycodone/Oxymorphone
  - 8. Phencyclidine
  - 9. Marijuana/Cannabis (**only** to be included in the testing process when: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g., pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion section of this order.
  
- 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.
- C. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- D. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form. Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- E. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

**X. Drug Test Results:**

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive results will be sent out 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 medical information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by that agency.

- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of the drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

**XI. 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 by the agency from which the individual applied; and
  - 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 employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, or is found to have been consuming or being under the influence of cannabis or marijuana while at work/training or during work/training hours, subject to rules adopted by the Police Training Commission or New Jersey State Police: 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. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority;
  - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
  - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.

- C. When a sworn law enforcement officer tests positive for illegal drug use, or is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work hours:
  - 1. The officer shall be immediately suspended from all duties;
  - 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action.
  - 3. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police by his or her employer; and
  - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

**XII. 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. In addition, the applicant's name shall be forwarded to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon hearing 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.
- 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 employing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. 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.

**XIII. Record Keeping:**

- A. The Internal Affairs Officer shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. The drug testing records shall include:
  - 1. For all drug testing:
    - a. the identity of those ordered to submit urine samples;
    - b. the reason for that order;
    - c. the date the urine was collected;
    - d. the monitor of the collection process;
    - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
    - f. the results of the drug testing;
    - g. copies of notifications to the subject;
    - h. for any positive result documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty; and
    - i. for any positive 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 the selection was made;
    - c. a copy of the document listing the identities of those selected for drug testing;
    - d. a list of those who were actually tested; and
    - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

**XIV. Central Drug Registry:**

- A. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample.
- 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.

1. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - a. name and address of the submitting agency, and contact person;
  - b. name of the individual who tested positive;
  - c. last known address of the individual;
  - d. date of birth;
  - e. social security number;
  - f. SBI number (if applicable);
  - g. gender;
  - h. race;
  - i. eye Color;
  - j. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  - k. date of drug test or refusal;
  - l. date of dismissal from the agency; and
  - m. whether the individual was an applicant, trainee or sworn law enforcement officer.

- D. The certification section of the notification form must be completed by the Chief or Director and notarized with a raised seal. Notifications to the Central Registry shall be sent to:

Records and Identification Section, Division of State Police  
P.O. Box 7068  
West Trenton, New Jersey 08628

- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
  1. In response to an inquiry from a criminal justice agency as part of a background investigation process for prospective or newly appointed personnel.
  2. In response to a court order.

**XV. Notification and Public Disclosures:**

- A. Notification to County Prosecutor In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the law enforcement agency's chief executive or a designee shall provide a confidential written notice to the County Prosecutor within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.



- B. By December 31st of each year, every law enforcement agency shall provide written notice to their County Prosecutor or his/her designee 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.
- C. Public Accessibility and Confidentiality All random drug testing policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website. Annual reports from the County Prosecutors to the Attorney General (as required by Section ILG, above) also shall be made available to the public upon request and shall be posted on the agency's website.
- D. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

- Appendix A (Applicant Notice & Acknowledgement)
- Appendix B (Trainee Notice & Acknowledgement)
- Appendix C (Officer Notice & Acknowledgement)
- Appendix D (Drug Testing Medication Information)
- Appendix E (State Toxicology Directions)
- Appendix F (Notification to Central Drug Registry)

By Order of:



William G. Parenti  
Chief of Police