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| <b>PARSIPPANY-TROY HILLS POLICE DEPARTMENT</b> |                                  |  |
| <b>STANDARD OPERATING PROCEDURE</b>            |                                  |   |
| <b>DRUG TESTING</b>                            |                                  |   |
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**PURPOSE:** Illegal use of drugs by individual law enforcement officers undermines the integrity of law enforcement agencies and threatens the safety and morale of other law enforcement officers. The goal of this policy is to deter illegal drug use, including unregulated marijuana by law enforcement officers. It provides the Parsippany-Troy Hills Police Department (herein Department) with a mechanism to identify and remove those officers engaged in the illegal use of drugs and sets forth methods and procedures for implementing and administering law enforcement drug testing. In addition, the policy seeks to ensure that employment rights of individual law enforcement officers are safeguarded consistent with legal principles. The procedures further seek to ensure the accuracy and reliability of the drug testing process, in accordance with the Attorney General's Law Enforcement Drug Testing Policy, revised February 2023.

**POLICY:** In order to further strengthen the credibility of the Department and ensure that citizens receive police services from law enforcement officers whose competency and integrity are beyond question, this agency shall test all applicants, randomly test all sworn officers and test specific officers based upon reasonable suspicion for the illegal use of drugs.

This written directive is considered an annex to the Rules and Regulations of the Parsippany-Troy Hills Police Department.

## PROCEDURE:

### I. DEFINITIONS

- A. Random Selection: 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.
- B. Reasonable Suspicion: a belief based on 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.

### II. APPLICABILITY

#### A. Personnel

- 1. Applicants 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. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course.
- 3. 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.
- 4. *This policy does not apply to civilian employees of the Department.*

#### B. Employment Status

##### 1. Applicant Testing

- a. Applicants will be drug tested as a condition of employment; this may occur at any point during the pre-employment process.
- b. Applicants may be tested as many times as the Department deems necessary to ensure that the applicants are not engaged in the illegal use of drugs.
- c. During the pre-employment process, the Department must ensure that it complies with the provisions of the American with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

##### 2. Trainee Testing

- a. Trainees are subject to drug testing during their attendance at a police academy, and will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course.

- b. Drug testing of trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
- c. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs 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, the Chief of Police, or the academy director.

3. Officer Testing

- a. Sworn officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test.
- b. Sworn officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during work/training hours. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the Chief of Police.
- c. Urine specimens may also be collected from officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

C. Types of Testing

1. Random Testing

- a. Random drug testing shall be accomplished in accordance with the Rules and Regulations as defined by N.J.S.A. 40A:14-118.
- b. All sworn officers of the Department, regardless of rank or assignment, are eligible for random drug testing each and every time a selection is made.
- c. Ten (10%) percent of sworn officers will be tested each time random selection takes place.
- d. Random selection will take place at least twice every calendar year on dates chosen by the Chief of Police.
- e. The Internal Affairs Section shall be responsible for the selection process, acquisition process and all record keeping.
- f. The random testing process shall be confidential.
- g. There will be NO prior notice given of the date(s) of the selection process or the collection of the samples.

- h. The Department will permit a P.B.A. and S.O.A. representative to witness the selection process.
- i. The random selection process shall be accomplished by the drawing of ID numbers. The selection process shall take place as follows:
  - i. All sworn personnel shall have their ID numbers recorded on a plain, white “poker” style chip in permanent black marker. All chips will be of similar size, shape and color. Chips are reusable.
  - ii. The chips will be displayed and counted by no fewer than two people to ensure that ID numbers are correct and the total population of sworn personnel is included.
  - iii. The P.B.A. and S.O.A. representatives shall be present and may assist in verifying that all members ID numbers are represented on the chips.
  - iv. A suitable container shall be selected/approved by the Chief of Police. The P.B.A. and S.O.A. representatives shall have an opportunity to inspect the container prior to the chips being placed inside.
  - v. The appropriate number of chips shall be selected by the Chief of Police or his/her designee (i.e. Internal Affairs personnel). The number of chips selected shall be 15% percent of sworn officers (always rounded up); the first 10% percent (always rounded up) representing the officers to be tested, and the second 5% percent (always rounded up) representing alternate officers to be tested, in the order they are selected, should one or more of the officers selected for testing be removed from the process as specified in Sec. II.C.1.j of this policy. The chips will be placed number side down until the required number have been selected.
  - vi. To the extent that it may be necessary to recreate the selection process in response to a court proceeding, Internal Affairs personnel will document the entire selection process via the use of a video recording with audio component. The recording will be maintained by Internal Affairs in accordance with the rules governing records retention.
  - vii. The selected ID numbers will NOT be displayed to the P.B.A. and S.O.A. representatives but shall be displayed to the video camera and documented on a form to be retained by Internal Affairs.
  - viii. Officers selected for random drug testing will be notified while on-duty by Internal Affairs personnel and will be required to submit a urine sample at that time. The specimen acquisition process shall be kept confidential.

- j. In the event that a sworn officer selected for random drug testing is on excused absence (e.g., vacation or sick leave, etc.) and will not be available within ninety-six (96) hours, that officer's name shall be removed from the process with the approval of the Chief of Police. The first alternate officer selected shall then be tested. This process will continue until 10 % percent of sworn officers (always rounded up) have been tested.
- k. If an officer is off-duty, the specimen shall be collected on the next duty day. The Department reserves the right to call officers into work in order to collect a specimen. Failure to respond to headquarters within a reasonable amount of time when required to do so shall constitute a refusal to submit to a drug test (See Section IX.C of this policy).
- l. Any member of the Department who discloses the identity of any officer selected for random drug 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 up to and including termination.
- m. Officers refusing to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs.
- n. An 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.

## 2. Reasonable Suspicion

- a. An officer 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 controlled substances.
- b. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the Department:
  - i. The nature and source of the information;
  - ii. Whether the information constitutes direct evidence or is hearsay in nature;
  - iii. The reliability of the informant or source;
  - iv. Whether corroborating information exists and the degree to which it corroborates the accusation; and

- v. Whether and to what extent the information may be stale.
- c. Reasonable Suspicion Testing for Cannabis Use Consuming or being under the influence of cannabis while at work or during work/training hours is strictly prohibited. Officers/Trainee shall be tested for cannabis in the following situations:
  - i. Upon reasonable suspicion of the officer's/trainee's use of a cannabis item while engaged in the performance of the officer's/trainee's duties, or
  - ii. 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/trainee's duties.
  - iii. In the above situations, the drug test shall include a physical evaluation by a Workplace Impairment Recognition Expert (WIRE) to determine the officer's/trainee's state of impairment and a urinalysis.
- d. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the Department shall prepare a written report which documents the basis for the test. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. The Chief of Police may contact the Morris County Prosecutor's Office for advice as to whether the information he/she possesses is sufficient to conduct a reasonable suspicion testing.
  - i. In the event the test is administered based upon a verbal report, the Department shall prepare a written report detailing the reasonable suspicion as soon as possible following the test.

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

#### **A. Applicants**

- 1. Applicants shall be notified 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 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 from the date of the drug test.

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

C. Sworn Law Enforcement Officers

1. Individual 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. Officers are also subject to mandatory random drug testing pursuant to this policy.
3. A negative result is a condition of employment as a sworn officer and ~~that~~ a positive result will result in:
  - a. the officer's termination from employment;
  - b. inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and
  - c. the officer being permanently barred from future law enforcement employment in New Jersey.

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

#### **IV. SPECIMEN ACQUISITION PROCEDURES**

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

1. The Internal Affairs Officer, or his or her designee, shall be the monitor of the specimen acquisition process. In all cases the monitor shall be of the same gender as the individual being tested. In the event there is no member of the same gender available, the Department may request that a member of the same gender from another law enforcement agency serve as monitor of the process.
2. Prior to the submission of a urine specimen, an applicant for a law enforcement position shall execute an "Applicant Notice and Acknowledgement" form (Attachment A). Applicants are not required to complete a Drug Testing Medication Information form at this time.
3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a "Trainee Notice and Acknowledgement" form (Attachment B). Trainees shall complete a Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the trainee during the past fourteen (14) days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.
4. Prior to the submission of a urine specimen, an officer shall execute an "Officer Notice and Acknowledgement" form (Attachment C). Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past fourteen (14) days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

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

1. The monitor of the specimen acquisition process shall be responsible for:
  - a. Ensuring that all documentation is fully and accurately completed by the individual (the donor) submitting the specimen.
  - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens



and forms shall be identified throughout the process by the use of donor identification (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.

- c. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
  - d. Specimens shall be collected utilizing split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
  - e. Collecting and submitting urine specimens in accordance with procedures established by the Laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
- a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters, etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
  - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

C. Urine Specimen Collection Procedure

- 1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
- 2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
- 3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
- 4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
  - a. The specimen containers shall be kept closed/unsealed at this time.

- b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- 5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
- 6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
  - a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
  - b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
- 7. The monitor instructs the donor to split the collected specimen into the specimen containers.
  - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
  - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
- 8. The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.
  - a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
  - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
  - c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
- 9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.

10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
13. Any remaining urine and the specimen collection container may be discarded.
14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section V. Submission of Specimens to the Laboratory below).

D. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
  - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
  - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
  - a. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;

- b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
- 4. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier also following accepted chain of custody procedures.
- 5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

## **V. SUBMISSION OF SPECIMEN TO THE LABORATORY**

- A. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Attorney General's Law Enforcement Drug Testing Policy. The Department is not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Urine specimens should be submitted to the Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the Department shall store the specimens in a controlled access refrigerated storage area until submission to the Laboratory (Attachment E).
- C. Specimens may be submitted to the Laboratory by commercial courier using "next day delivery" or in person (appointments only).
- D. The Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the Laboratory shall inspect each specimen for damage and evidence tampering.
  - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the Department in writing with the reason for rejection clearly stated.

## **VI. ANALYSIS OF SPECIMENS**

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance

of final reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids. The steroid test shall be for an additional cost to the Department.

- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - 1. Amphetamines;
  - 2. Barbiturates;
  - 3. Benzodiazepine;
  - 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.
- C. The Laboratory utilizes a two-stage procedure to analyze specimens.
  - 1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  - 2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the 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.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant

tests positive, the law enforcement agency, following notification from the Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). 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.

- F. In addition to the testing outlined above, specimens submitted to the Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused substances.

## **VII. DRUG TEST RESULTS**

- A. The Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the Department to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including termination by the Department.
- C. Under no circumstances will the Laboratory provide the Department with verbal reports of drug test results. In addition, no individual or the Department may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

## **VIII. CONSEQUENCES OF A POSITIVE TEST RESULTS**

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by the Department.
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Department.
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

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

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

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for a period of two years from the date of the refusal. In addition, the Department shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be 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 Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be 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 Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

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

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

#### **XI. RECORD KEEPING**

- A. The Internal Affairs Section shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. All drug testing records shall include but not be limited to:
  - 1. All drug testing:
    - a. the identity of those ordered to submit urine samples;
    - b. the reason for that order;
    - c. the date the urine was collected;
    - d. the monitor of the collection process;
    - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the Laboratory;
    - f. the results of the drug testing;
    - g. copies of notifications to the subject;
    - h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
    - i. for any positive result or refusal, appropriate documentation of disciplinary action.
  - 2. Random drug testing, the records shall also include the following information:
    - a. a description of the process used to randomly select officers for drug testing;
    - b. the date selection was made;



- c. a copy of the document listing the identities of those selected for drug testing;
  - d. a list of those who were actually tested; and
  - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures and the Department's *Internal Affairs* SOP.

## **XII. CENTRAL DRUG REGISTRY**

- A. The Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs; are found to have been consuming or being under the influence of cannabis while at work/training or during work/training hours; or refuse an order to submit to a drug test (Attachment F).
- B. A sworn law enforcement officer who tests positive for illegal drug use; is found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours; 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 Department to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - 1. Name and address of the Department, and contact person;
  - 2. Name of the individual who tested positive;
  - 3. Last known address of the individual;
  - 4. Date of birth;
  - 5. Social security number;
  - 6. SBI number (if known);
  - 7. Gender
  - 8. Race
  - 9. Eye color
  - 10. Substance the individual tested positive for, the circumstances of the officer being found to have been consuming or being under the influence of cannabis or marijuana while at work or during work/training hours, or circumstances of the refusal to submit a urine sample;

11. Date of the drug test or refusal;
  12. Date of final dismissal or separation from the agency; and
  13. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the Chief of Police, and notarized with a raised seal.
- E. Notifications to the central registry shall be sent to:
- Division of State Police  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068
- F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
  2. In response to a court order.

### **XIII. NOTIFICATION TO COUNTY PROSECUTOR**

- A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the Morris County Prosecutor's Office Professional Standards Unit within 24 hours. Upon completion of any disciplinary action, the Department shall report the discipline to the County Prosecutor or designee.
- B. By December 31st of each year, the Department shall provide written notice to the 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 Department, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

### **XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. The Department's Drug Testing Policy shall be made available to the public upon request and shall be posted on the Department website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XIII, also shall be made available to the public upon request and shall be posted on the Department website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.