



**TOWNSHIP OF BERKELEY HEIGHTS  
POLICE DEPARTMENT  
POLICY AND PROCEDURE**

S.O.P.# 15.1.1	STANDARDS #	#OF PAGES: 20	REVISION DATE	PAGE #
<b>SUBJECT: DRUG TESTING</b>				
EFFECTIVE DATE: May 8, 2018		John DiPasquale CHIEF OF POLICE		
CROSS REFERENCE:				

**POLICY:**

The Berkeley Heights Police Department has a responsibility and interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use, or drug abuse.

The purpose of this policy is to establish procedure, consistent with guidelines established by the Attorney General of the State of New Jersey and the Union County Prosecutor's Office, regarding drug testing of law enforcement officers.

This policy normally applies to applicants, recruits, and in-service law enforcement personnel, however sufficient inferences can be drawn to apply the provisions of this directive to non-sworn personnel in the area of reasonable suspicion drug testing or fitness-for-duty drug testing.

It shall be the policy of the Berkeley Heights Police Department that all sworn officers, including Special Law Enforcement Officers (SLEO), adhere to the procedures contained within as well as the New Jersey Attorney General's Law Enforcement Drug Testing Guidelines for sworn law enforcement officers.

**PROCEDURE:**

## I. DEFINITIONS

- A. Applicant is any person who applies for a position in the Berkeley Heights Police Department.
- B. Recruit/Trainee is any appointee who is undergoing mandatory basic training at a New Jersey Police Training Commission (PTC) approved police academy.
- C. Officer is a sworn police officer, regardless of rank or assignment, including SLEOs, who is responsible for the enforcement of the criminal laws of this state.
- D. Supervisor is an officer formally assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work unit.
- E. Employee includes any civilian employee assigned to or under the supervision of the police department.
- F. Drug Test is the compulsory production and submission of urine by an employee in accordance with these established procedures, for laboratory analysis to detect prohibited drug use.
- G. Positive Result is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis and a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed on the report does not explain the test result.
- H. Random Selection is defined as the method by which every police officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.
- I. Reasonable Suspicion is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.

## II. GENERAL

### A. Applicants:

1. Applicants for the position of police officer shall be required to submit a urine specimen at any time prior to appointment. A statement of this requirement shall be included in the application for employment.
2. A negative result is a condition of employment.
3. A positive result, or a refusal to submit a specimen for testing, will result in:
  - a. The applicant being dropped from consideration for employment, *and*
  - b. Cause the applicant's name to be reported to the central drug registry maintained by the State Police, *and*
  - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.
  - d. If the applicant is currently employed by another department as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing department shall be notified of the test results without undue delay.
  - e. Any Berkeley Heights Police Officer who is an applicant in another jurisdiction and yields a positive drug test result after undergoing drug testing by that jurisdiction in comportment with the guidelines established by the Attorney General of the State of New Jersey shall be:
    - Immediately suspended from all duties;
    - Terminated from employment as a police officer upon final disciplinary action;
    - Reported to the central drug registry maintained by the State Police;
    - Permanently barred from future law enforcement employment in the State of New Jersey.

### B. Recruit/Trainee:

1. Recruits/trainees shall be required to submit one or more urine specimens for testing at any time while

they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules and regulations established by the Police Training Commission.

2. All newly appointed officers shall be informed that drug testing is mandatory during their basic training.
3. A negative result(s) is a condition of continued employment.
4. A positive test result will result in the following:
  - The recruit shall be immediately dismissed from the police academy and immediately suspended from this department.
  - The recruit shall be terminated from employment as a police officer upon final disciplinary action.
  - The recruit's name shall be reported to the central drug registry maintained by the State Police.
  - The recruit shall be permanently barred from future law enforcement employment in the State of New Jersey.
5. Refusal to submit to a drug test shall result in the same penalties set forth in section B,4 above.
6. Individual trainees may also be required to submit a urine specimen for testing when there exists a reasonable suspicion to believe that the trainee is illegally using drugs.
7. A recruit/trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Chief of Police, or the academy director.

C. Police Officers/Random Selection:

1. Urine specimens shall be ordered from in-service police officers who have been randomly selected to submit in accordance with Attorney General Directive 2018-2.
2. A minimum of ten percent (10%) of all sworn officers shall be selected in the remainder of calendar year 2018 on a date selected by the Chief of Police or his/her designee.
3. In every calendar year subsequent to 2018, random drug testing of a minimum of ten percent (10%) of all sworn officers shall be conducted at least twice per year.

4. A negative test result is a condition of continued employment.
5. A positive test result will result in the following:
  - The officer shall be immediately suspended from all duties;
  - The officer shall be terminated from employment as a police officer upon final disciplinary action;
  - The officer's name shall be reported to the central drug registry maintained by the State Police;
  - The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
6. Officer(s) who refuse to submit to random drug testing are subject to the same penalties set forth in section C,5 above.
7. Officer(s) randomly selected who are on sick leave, vacation leave, leave of absence, special day off, or away on official business shall be immediately tested upon their return without exception.
8. Any employee of the police department who discloses the identity of an officer selected for random drug testing, the fact that a random drug test is scheduled, or that they had supplied a sample for random drug testing shall be subject to disciplinary action.

D. Police Officers/Reasonable Suspicion:

1. In addition to random testing, urine specimens shall be ordered from any police officer when there exists a reasonable suspicion to believe that the officer is illegally using drugs and/or steroids. Urine specimens, for this purpose, shall not be ordered from the officer without the approval of the Union County Prosecutor or the Chief of Police.
2. A negative test result is a condition of continued employment.
3. A positive test result will result in the following:
  - The officer shall be immediately suspended from all duties;
  - The officer shall be terminated from employment as a police officer upon final disciplinary action;

- The officer's name shall be reported to the central drug registry maintained by the State Police;
  - The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
4. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the officer is subject to the same penalties as for those who test positive for the illegal use of drugs.
  5. Regardless of the reason for testing, any officer who tests positive for unlawful 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 to the central drug registry maintained by the State Police and shall be permanently barred from future law enforcement employment in New Jersey.
  6. Any officer who has reason to believe that a member of this department is utilizing illegal drugs must report that suspicion or face disciplinary action.
  7. Any officer having reasonable suspicion of illegal drug use by another officer shall report it by way of a confidential report to the Chief of Police or the Internal Affairs Commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.

E. Fitness for Duty Examinations:

1. Urine samples may be requested by a physician designated by the Township of Berkeley Heights during any regularly scheduled and announced medical examination or fitness for duty examination.
2. The subsequent collection and analysis of any specimen obtained through a medical examination or fitness for duty examination will be under the control of the Township Physician.
3. All personnel shall be required to submit to urine testing when told to by the Township Physician.
4. Failure to submit to this physician ordered urine testing shall be considered a form of gross insubordination and subject to termination upon final disciplinary action.

F. Civilian Personnel-Reasonable Suspicion/Fitness for Duty Examinations:

1. Civilian personnel are often called upon to perform a myriad of duties that had traditionally been performed by sworn police officers. These duties require civilians to act and otherwise make decisions that are a matter of public safety and include, but are not limited to the following positions:
  - a. Communications Officers;
  - b. Administrative assistants;
  - c. Crossing guards
2. These provisions regarding reasonable suspicion testing and fitness for duty testing are a logical extension of management's obligation to ensure a work environment free of the dangers of unlawful drug use, thereby maintaining public safety and confidence.
3. Urine specimens shall be ordered from any civilian employee when there exists a reasonable suspicion to believe that the employee is illegally using drugs. Urine specimens, for this purpose, shall not be ordered from the employee without the approval of the Chief of Police, Internal Affairs Commander, or their designee.
4. Reasonable suspicion drug testing and fitness for duty drug testing will normally be performed by a physician.
5. If an employee refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the employee is subject to termination upon final disciplinary action for gross insubordination.
6. Any employee who has reason to believe that a member of this department is utilizing illegal drugs must report that suspicion or face disciplinary action.
7. These suspicions must be reported by way of a confidential report to the Chief of Police or the Internal Affairs Commander. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use.
8. Information contained in the central registry may be released by the Division of State Police only in response to an inquiry from a criminal justice department as part of the background investigative

process for prospective or new personnel, or in response to court order.

### III. PRELIMINARY PROCEDURES

#### A. Applicants

1. Prior to the submission of a specimen, an applicant shall execute a form consenting to the collection and analysis of their urine for unlawful drugs (*Drug Testing Applicant Notice and Acknowledgement - Attachment A*).
2. Applicants shall not complete the *Drug Testing Applicant Notice and Acknowledgement - Attachment A* prior to the submission of a specimen unless they have already received a conditional offer of employment.
3. Applicants shall subject to the acquisition procedures set forth in the "Acquisition Procedure" section of this policy.

#### B. Recruit/Trainee

1. All drug testing conducted during mandatory basic training shall comply with the rules and regulations established by the Police Training Commission and conducted under the auspices of the police academy director or designee.

#### C. Random Testing of sworn Police Officers

1. The Internal Affairs Commander shall maintain in his/her possession numbered chips or markers of the same size, shape, and texture, beginning with the number one (1) and increasing sequentially, to be used for random selection of officers for testing.
2. Prior to each occasion of random testing, the Internal Affairs commander shall create a printed list of all current sworn officers in alphabetical order. The officers will be assigned a number corresponding to their order on the list (e.g. 1,2,3 and so forth until the last officer listed alphabetically is numbered.) Their names shall be printed in one column and their respective alphabetical number shall be printed in another column.
3. The Internal Affairs Commander shall preserve and maintain a copy of this sheet, signed by both him/her



and the current PBA representative, along with all documentation of random testing.

4. The Internal Affairs Commander will then randomly draw the minimum number of chips/markers required by the current Attorney General's Law Enforcement Drug Testing Policy from a hat or other suitable receptacle.
5. The numbers on the selected chips/markers will correspond to the numbers of officers on the alphabetical list, identifying those officers as selected for random testing.
6. The PBA representative shall be required to witness the random number selection and shall indicate that they had witnessed the selection process.
7. Any controversy or dispute regarding the random selection process shall be mediated by the Chief of Police.

D. Civilian Employees

1. Reasonable suspicion drug testing and drug testing performed during a fitness for duty examination are under the auspices of the Township Physician.
2. Drug test results will normally be forwarded to the Township Physician for review. The physician will interpret the results and tender a recommendation to the Chief of Police concerning the employee's employment status.
3. If the drug test reveals the use of any unlawful substance, the employee will be subject to termination upon final disciplinary action.
4. The presence of a lawful substance is subject to review by the Township Physician to determine if the substance is or has adversely affected the employee's job performance. Any employment action will be decided on a case by case basis in comportment with A.D.A. guidelines.

IV. ACQUISITION PROCEDURE

This section applies to sworn applicant testing, random selection testing and reasonable suspicion testing for sworn officers only.

- A. The Chief of Police shall designate any staff member(s) to act as monitor(s). The monitor(s) shall be the same gender as the subject selected. In the event of any conflict a monitor may be requested from another law enforcement agency.
- B. It is the duty of the monitor(s) to ensure that:
1. All required documentation is fully and accurately completed and submitted in accordance with this directive.
  2. Specimen collection is performed in a manner that provides for individual privacy while ensuring the integrity of the specimen.
  3. Chain of custody procedures established by the NJ State Toxicology Laboratory are adhered to.
  4. Urine specimens are collected and submitted in accordance with procedures established by the NJ State Toxicology Laboratory.
- C. The subject(s) selected shall fully complete a *Drug Testing Medication Information (Attachment D)* prior to testing.
- D. No subject shall make any false or misleading statements on the report. All prescription drugs listed on the form are subject to verification. (*It is important to note that this will be the only opportunity for the tested person to disclose the medication they have taken. Subjects who yield positive test results will not be given another chance to list any medication they have taken.*)
- E. The monitor(s) shall collect the specimen in a manner that provides for individual privacy while ensuring the integrity of the sample provided. Unless otherwise noted, the following steps must be completed by the donor in the presence of the monitor:
1. The monitor will allow the donor to select two sealed specimen container kits.
  2. The donor will unseal both kits and remove the kit contents on a clean surface.
  3. Using an ordinary pencil, the donor will write his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and place the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced

specimen, as "bottle A" and "first specimen", respectively.

4. Next, using an ordinary pencil, the donor will write his/her SSN and the letter "B" below the SSN on the second I.D. label, and place the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
  5. The monitor will check that the donor SSN on both labels matches the SSN provided on the submission form.
  6. The monitor shall instruct the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
    - a. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (see below).
  7. The monitor will check each specimen for adequate volume and temperature (indicator strip) on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor will indicate if the temperature is acceptable in the "Yes/No" column for each specimen and write the collection date and his/her initials in the spaces provided on the submission form. 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.
  8. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
  9. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner.
- F. A monitor can, among other things, direct an individual officer or employee who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty

their pockets, or wash their hands under running water before they produce a specimen.

- G. The monitor may add tinting agents to toilet water and secure the area where the specimens are to be collected prior to conducting individual drug tests.
- H. "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.
- I. Second Specimen
  - 1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
  - 2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
  - 3. The second specimen will be released by the NJSTL under the following circumstances:
    - a. The agency is notified by the State Toxicology 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. 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.
  - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
- 5. 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.
- 6. 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.
- J. Subjects will provide required specimens without 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 process. Under these circumstances, the monitor may directly observe the production of a specimen. The monitor must fully document the facts and circumstances underlying their belief that the subject may adulterate a specimen or compromise the integrity of the process.
- K. Subjects must provide the specimen upon being ordered to do so. Subjects that are initially unable to do so may be permitted to drink water in an attempt to induce the production of a specimen.
- L. Subjects shall not be permitted to consult with anyone prior to submitting the specimen. Any attempt to delay the

submission of a specimen, based upon their desire to consult with anyone, will be treated as a refusal.

- M. The chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall be adhered to as set forth in the Attorney General's Law Enforcement Drug Testing Policy.
- N. All samples will be secured in a specially designated refrigerator/freezer unit. The access to this repository shall be restricted to the Chief of Police and Internal Affairs personnel while specimens are present.
- O. ANY OFFICER OR EMPLOYEE OF THE POLICE DEPARTMENT WHO KNOWINGLY TAMPERS WITH ANY SPECIMEN OR OTHERWISE COMPROMISES THE TESTING PROCESS SHALL BE SUBJECT TO CRIMINAL AND/OR DISCIPLINARY ACTION.
- P. The State Toxicology Laboratory shall analyze each specimen for the following controlled substances:
  - 1. Amphetamines
  - 2. Barbiturates
  - 3. Benzodiazepines
  - 4. Cocaine
  - 5. Marijuana
  - 6. Methadone
  - 7. Opiates
  - 8. Oxycodone/Oxymorphone
  - 9. Phencyclidine
- Q. The State Toxicology Laboratory may be requested to select one or more of the specimens being submitted to be tested for the presence of steroids. The specimen(s) selected for additional testing under this section is done, in every respect, by the State Toxicology Laboratory. The only involvement of the department is requesting that one, or more, of the submitted samples be, at random, further tested for the presence of steroids.
- R. The analysis of each specimen shall be done in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include, but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

## V. DRUG TEST RESULTS

- A. The State Toxicology Laboratory shall make all efforts to notify the submitting law enforcement department of test results from the specimens submitted for analysis within 15 working days.
- B. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- C. The submitting department shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practicable after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances may a department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

## VI. 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 department;
  - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement department to which the individual applied; and
  - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement department in New Jersey for a period of two years.
  - 4. Where the applicant is currently employed by another department 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 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:
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 by his or her employer to Central Drug Registry maintained by the Division of State Police; and
  4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

#### VII. 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 period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment



and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- D. 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.

#### VIII. ACCIDENTAL/INADVERTENT EXPOSURE

- A. Any officer or employee who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure.
- B. If the exposure occurs on duty the officer or employee must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the Chief of Police or the Internal Affairs Commander through the chain of command.
- C. If the exposure occurs off duty, notification must be made without undue delay.

#### IX. POSITIVE TEST RESULT PRECIPITATED BY LAWFUL AND REPORTED PRESCRIPTION MEDICATION

- A. Any test that reveals the presence of a drug listed on the subject's Medication Information Report will be reported to this department. This result will be reported with the explanation that the substance was listed on the Medication Information Report.

- B. The officer or employee shall be required to provide the department with documentation from the treating physician that the medication was lawfully prescribed and did not render the officer or employee unfit for duty.
- C. The Chief of Police will have the option of causing a further investigation into the listed substance and its use.

X. NOTIFICATIONS

- A. The Chief of Police shall notify the County Prosecutor's Office if any police officer tests positive or refuses to be tested pursuant to this directive.
- B. Applicants, trainees and sworn officers who test positive for the unlawful use of drugs, or who refuse an order to submit a urine sample when ordered, shall be reported to the Central Drug Registry maintained by the New Jersey State Police on a form approved for use by the Attorney General.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  - 1. Name and address of the submitting department, and contact person;
  - 2. Name of the individual who tested positive;
  - 3. Their last known address;
  - 4. Their date of birth;
  - 5. Their social security number;
  - 6. Their SBI number (if known);
  - 7. Their gender;
  - 8. Their race;
  - 9. Their eye color;
  - 10. The substance they tested positive for, or circumstances of the refusal to submit a urine sample;
  - 11. Date of the drug test or refusal;
  - 12. Date of final dismissal or separation from this department; and
  - 13. Whether the subject was an applicant, trainee or sworn officer.
- D. The certification section of the notification form must be completed by the Chief of Police and be 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; or
  2. In response to a court order.

#### XI. RECORDKEEPING

- A. The Office of Internal Affairs shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. These records shall include, but are not limited to:
1. The identity of those ordered to submit urine samples;
  2. The reason for the order;
  3. The date the urine was collected;
  4. The name of the monitor;
  5. The chain of custody of the sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
  6. The results of the drug testing;
  7. Copies of notifications to the subject of the drug testing;
  8. 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*
  9. For any positive result or refusal, appropriate documentation of the disciplinary action.
- C. For random selection drug testing, the records will also include:
1. A description of the process used to randomly select officers for drug testing;
  2. The date the selection was made;
  3. A copy of the document listing the identities of those selected for drug testing;
  4. A list of those who were actually tested; *and*
  5. The date(s) those officers were tested.
- D. The Internal Affairs Commander shall, no later December 31<sup>st</sup> of each year, provide to the Union County Prosecutor a written report detailing:

1. The dates of testing conducted the prior year;
  2. The total number of sworn officers employed by the agency;
  3. The total number of sworn officers tested; *and*
  4. The total number of sworn officers who tested positive.
- E. It shall further be the policy of this department to maintain sworn applicant drug testing, random selection drug testing, and reasonable suspicion for sworn officer drug testing records with the level of confidentiality required for internal affairs files pursuant to the *New Jersey Internal Affairs Policy and Procedures* manual.