

MAPLE SHADE TOWNSHIP POLICE DEPARTMENT

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**SUBJECT: DRUG SCREENING FOR LAW ENFORCEMENT**

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ACCREDITATION STANDARDS:

The Written Directives developed by the Maple Shade Township Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability, nor the Township's, in any way. Directives should not be construed as creating a higher standard of safety, care or obligation in an evidentiary sense. Violations of Written Directives are addressed internally by this Department or by the Township.

*This policy supersedes any and all other previous policies titled Drug Screening for Law Enforcement Volume I Chapter 4.*

**PURPOSE:**

To safeguard the department and members of the public from applicants, law enforcement trainees and sworn law enforcement personnel who may engage in the illegal use of drugs and to provide a zero tolerance stance of illegal drug use by applicants, law enforcement trainees and sworn law enforcement personnel.

**POLICY:**

The illegal use of drugs is incompatible with service in law enforcement. The department is committed to ensuring that applicants, trainees, and sworn law enforcement personnel are physically and mentally capable of performing their duties and fulfilling their responsibilities. They are expected to obey all laws and ordinances, including those concerning illegal use of drugs.

**PROCEDURE:**

**I. Policy Statements**

A. The provisions contained in this policy apply to the following:

1. Applicants seeking a law enforcement position with this department 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; and

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3. Sworn members of this department 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.
- B. It is the policy of this department that sworn officers are subject to urine testing for illegal drug use as follows:
1. When reasonable suspicion exists to believe that the officer is illegally using drugs, or
  2. When officers have been randomly selected to submit to a drug screen.
- C. It is the policy of this department that a negative test result is a continued condition of employment as a sworn officer. Any officer who tests positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful order, shall be subject to discipline, which shall include termination from this department, pursuant to the procedures set forth below.

## II. Employment Status

- A. Applicants for Position as a Law Enforcement Officer Testing
1. During the background investigation of prospective applicants for a position as a sworn Law Enforcement Officer the applicant can be drug tested at any point during the pre-employment process.
  2. In addition applicants for employment may be drug tested as many times as the Law Enforcement Agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs.
  3. This agency will comply with the Americans with Disabilities Act (ADA) during the pre-employment process and will refrain from making any medical inquiries. Therefore the **Medication Questionnaire (See Appendix C)** should not be used during the application stage, unless a positive test result requires an explanation by the prospective employee. If an applicant tests positive for a narcotic not contained in a prescribed medication they will be subject to the consequences as described in section VIII.A of this policy.
- B. Law Enforcement Trainees
1. Law enforcement trainees who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at the academy. Trainees will be required to submit one (1) or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by police academy staff under the rules and regulations adopted by the police training commission.
  2. 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. 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 of the trainee's agency, or the academy director.
- C. Sworn Law Enforcement Officer
1. Sworn Law Enforcement shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to 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 equal chance to be selected for drug testing each and every time a selection is conducted.

2. Sworn law enforcement 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. 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.

### **III. Types of Testing**

#### **A. Random Testing**

1. Random selection shall be defined as a method of selection in which each and every sworn officer of the department, regardless of rank or assignment, has an equal chance to be selected for drug testing each time a selection is conducted.
2. The total number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency. AG Directive 2018-02 requires a minimum of ten percent of the sworn officers within an agency be randomly tested each time.
3. The random selection of sworn officers who will be subject to testing pursuant to this policy shall take place on dates during the calendar year as determined by the Chief of Police or his/her designee.
4. The method of random selection shall be as follows:
  - a. The total number of random tests to be administered in a calendar year shall be equivalent to not less than 20% of the total number of sworn law enforcement officers in the department. The Chief of Police or his/her designee shall have the discretion to modify the total number beyond 20% of the officers to be randomly selected for testing, as well as the total number of testing dates in any given year. Testing shall occur a minimum of two (2) times per year.
  - b. Prior to the date chosen for a random selection of sworn law enforcement officers, the Chief of Police or his/her designee shall generate a list from the Employee Random Drug Testing module in the New World System in use by this department. In order to generate a random list, the total number of sworn law enforcement officers will be entered into the system. Thereafter the officers selected will be summoned to submit a urine sample in order, based on the number of officers selected.
  - c. All master lists generated for random drug testing shall be maintained consistent with the level of confidentiality and the retention period for Internal Affairs files pursuant to the Attorney General's Guidelines and the State of New Jersey Division of Revenue and Enterprise Services – Records Management Services.
5. The Chief of Police or his/her designee, one representative from the collective bargaining unit and the Internal Affairs Supervisor shall serve as the official selection committee. The bargaining unit must provide the Chief of Police or his/her designee with written notice concerning the identity of the member appointed to serve on the selection committee. This notification must be accomplished on or before January 15<sup>th</sup> of each year. In the event that the bargaining unit does not wish to be represented on the selection committee, the Chief of Police or his/her designee may appoint any department member to that position. At no time will the selection committee consist of less than three (3) members.

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6. Any member of the department who discloses the identity of a sworn 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 disciplinary action.

**B. Reasonable Suspicion**

1. Agencies must undertake drug testing when there is a reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of controlled substances. 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.
2. Urine specimens shall be ordered from an officer when there exists reasonable suspicion that the officer is illegally using drugs.
3. Upon a report from any source that an officer may be illegally using drugs, the Internal Affairs Commander and Chief of Police shall immediately be notified.
4. Upon direction by the Chief of Police, the Internal Affairs Commander will initiate an investigation to establish whether a basis exists for reasonable suspicion of illegal drug use.
5. The Internal Affairs Unit shall document their findings in a written report.
6. The written report shall be submitted to the County Prosecutor or Chief of Police for a determination if reasonable suspicion exists that an officer has engaged in illegal drug use.
7. If the County Prosecutor or Chief of Police determines that reasonable suspicion of illegal drug use exists, the officer shall be ordered to submit a urine sample for drug screening in accordance with the procedures listed below.
8. Under emergency circumstances approval may be given for a reasonable suspicion test on the basis of a verbal report. In such a case, a written report shall be submitted to the Chief of Police or County Prosecutor not more than 72 hours after verbal approval.

**IV Notification of Drug Testing Procedures**

**A. Applicants:**

1. The background investigation packet utilized by this department to screen potential applicants for sworn law enforcement officer's position shall include a notice indicating candidates will be required to submit to a drug test by urinalysis.
  - a. The notice concerning drug testing shall inform applicants that a negative result is a condition of employment and that a positive result will result in:
    - The applicant being dropped from consideration for employment;
    - The applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police; and
    - Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test.
  - b. The notice shall also 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 result and the officer may be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

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- c. 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.
    - d. Applicants for law enforcement positions will be required to sign an **Applicant Notice and Acknowledgement Form (See Appendix A)** that also outlines all of the information set forth above.
  - B. Trainees:
    - 1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Trainees shall also be informed that a negative test result is a condition of employment and that a positive result will result in:
      - a. Trainee being dismissed from basic training;
      - b. The trainee being dropped from consideration for employment; or will result in the trainee being terminated if already employed by the agency.
      - c. The trainee's name to be reported to the Central Drug Registry maintained by the Division of State Police; and
      - d. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, permanently bar the trainee 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 the State Police.
  - C. Sworn Law Enforcement Officers:
    - 1. As stated in the Maple Shade Police Department Rules and Regulations (Article VII Drug Abuse and Testing), Sworn Law Enforcement Officers will submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs and the fact that they are subject to mandatory random drug testing.
    - 2. A negative test result is a condition of employment and 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 in New Jersey
    - 3. Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Additionally, 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 Supervisor will be responsible for the overall supervision of the collection of urine specimens unless otherwise specified by the Chief of Police or his/her designee.
  - 2. The Internal Affairs Officer will act as an official monitor to oversee the specimen acquisition process unless otherwise specified by the Chief of Police or his/her designee due to a conflict.

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3. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same gender available from the agency collecting the specimens, the agency may request that a member of the same gender from another law enforcement agency serve as monitor of the process.
  4. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute the **Applicant Notice and Acknowledgement Form (See Appendix A)** consenting to the collection and analysis of their urine for illegal drugs. The applicant will also acknowledge that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section IV of this policy.
  5. Prior to the submission of a urine specimen a sworn officer shall execute the **Officer Notice and Acknowledgment Form (See Appendix F)** advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in section IV of this policy. The officer will further acknowledge that the refusal to participate in the test process carries the same penalties as testing positive.
- B. The monitor of the specimen acquisition process shall be responsible for:
1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
  2. Ensuring that the selected officers complete the **Officer Notice and Acknowledgement Form (See Appendix F)** and a **Medication Questionnaire (See Appendix C)** clearly describing all medications, both prescription and over-the-counter (non-prescription), ingested in the past 30 days, prior to any samples being taken. In addition, the monitor will ensure that the **New Jersey State Toxicology Laboratory Law Enforcement Drug Testing (LEDT) – Custody and Submission Form (See Appendix E)** is properly completed and also travels with the **Maple Shade Police Department Chain of Custody – Urine Samples Form (See Appendix D)**.
  3. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. The monitor shall accompany the officer into the designated lavatory and shall remain there until the specimen is provided and the bottles are placed in the designated refrigerator by the selected officer. In the absence of circumstances that indicate an attempt to adulterate or otherwise compromise the integrity of the specimen, the monitor shall not directly observe the officer filling the specimen bottle. If there is reason to believe that the subject officer will adulterate or otherwise compromise the integrity of the test process, the Chief of Police or his/her designee may direct the monitor to directly observe the officer filling the specimen bottle. The information that forms the basis of the belief shall be provided in a written report not more than 72 hours after the Chief of Police authorizes direct observation.
  4. Complying with the chain-of-custody procedures established for the collection or urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory for analysis.
- C. Urine Specimen Collection Procedure
1. Individual specimens shall be identified by the use of social security numbers (SSN). At no time shall an individual's name appear on any form or specimen container sent to the New Jersey Toxicology Laboratory within the Division of Criminal Justice.

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2. Specimens shall be collected utilizing equipment and supplies approved by the New Jersey State Toxicology Laboratory within the Division of Criminal Justice. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the New Jersey State Toxicology Laboratory within the Division of Criminal Justice.
  3. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
  4. The subject officer shall:
    - a. Wash his/her hands, select two sealed specimen container kits (all officers must provide two samples per the Attorney General Directive) and then open the sealed urine specimen container kits placing the contents on a clean surface.
    - b. Using an ordinary pencil, the officer (donor), will write his / her SSN and the letter "A" below the SSN on one of the ID labels, and place the label inside one of the specimen containers with the printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and the "first specimen", respectively.
    - c. Next, again using an ordinary pencil, the officer (donor), will write his / her SSN and the letter "B" below the SSN on one of the ID labels, and place the label inside one of the specimen containers with the printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and the "second specimen", respectively.
    - d. The monitor will then check to make sure that the donor SSN on both labels matches the SSN provided on the submission form.
    - e. The officer will then produce a urine specimen between 45mL and 60mL into each specimen container, not flush the toilet and return with both specimens. In the event of a "shy bladder" the monitor must follow the procedure listed below.
    - f. The officer will push the cap onto the bottle, affecting the seal.
    - g. The monitor will inspect the container for integrity and ensures the temperature registers in the proper range (between 90 degrees and 100 degrees Fahrenheit).
    - h. The monitor will document if the temperature is acceptable for each specimen along with collection date and his / her initials on the submission form.
    - i. The specimens will immediately be placed in the designated refrigerator under the supervision of the monitor.
    - j. The monitor will ensure that the **Maple Shade Police Department Chain of Custody - Urine Samples Form (See Appendix D)** is completed and both samples are delivered to the New Jersey State Toxicology Lab in a timely manner.
    - k. However, the lab will not accept these forms (although they may request to inspect them) and they will be returned to the police department for storage with the Internal Affairs office (along with the **New Jersey State Toxicology Laboratory Law Enforcement Drug Testing (LEDT) – Custody and Submission Form –** agency's time and date stamped copy).
- D. "Shy Bladder Procedure"
1. When a donor initially produces an inadequate amount of urine, the monitor must take the following step:
    - 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.

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- b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids (roughly about 3 average size water bottles) distributed reasonably over a period of up to 3 hours in an attempt to induce the production of a specimen.
  - Under no circumstances should multiple voids be combined to produce an adequate sample.
- c. 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. 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 New Jersey State Toxicology Lab 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 New Jersey State Toxicology Lab, 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.

V. **Submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice**

- A. Samples obtained by applicants and personnel from this agency will submit all urine samples for drug screening to the New Jersey State Toxicology Laboratory the only approved facility as per the Attorney General's Law Enforcement Drug Testing Policy.
- B. Personnel shall strive to deliver all urine samples as soon as possible after acquisition.



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- C. In the event the specimens cannot be delivered to the laboratory in a timely manner after their collection, the specimens shall continue to be stored in a controlled access refrigerator until such time as they can be delivered to the New Jersey State Toxicology Laboratory.
- D. All specimens must be accompanied by the **Laboratory Law Enforcement Drug Testing (LEDT) Custody and Submission Form (See Appendix E)** and the sealed envelope containing the **Medication Questionnaire (See Appendix C)**.
- E. The New Jersey State Toxicology Laboratory will reject any specimen that shows evidence of tampering or damage and will provide in writing to the agency the reason for rejection.

## VI. 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 of 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.
  - 1. The laboratory's drug testing procedure will screen specimens for the following controlled substances:
    - Amphetamines
    - Barbiturates
    - Benzodiazepines
    - Cocaine
    - Marijuana
    - Methadone
    - Opiates
    - Oxycodone / Oxymorphone
    - Phencyclidine
  - 2. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
    - a. 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
    - b. 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.
  - 3. 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 **Medication Questionnaire**. 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 Questionnaire**.

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4. Applicants for law enforcement employment are not required to submit a drug testing **Medication Questionnaire** 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 Questionnaire**. 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.
5. 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.

## VII. Drug Test Results

- A. The New Jersey 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.
- B. In some cases, the New Jersey State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the **Medication Questionnaire** explains the test result. At this point the agency will verify that the donor had a valid prescription for the drug causing the positive test. Officers who do not have a valid prescription will be subject to disciplinary action including termination by the agency. See Section VIII below for additional.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of 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.

## VIII. Consequences of a Positive Test Result

- A. Applicants
  1. Any applicant who tests positive for illegal drug use shall:
    - a. Result in the applicant being immediately suspended from consideration for employment by the agency;
    - b. Cause the applicant's name to be forwarded to the Central Drug Registry maintained by the Division of State Police (**See Appendix B**); and
    - c. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy 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 (2) years from the date of the drug test.
  2. If the applicant is currently employed by another agency as a sworn law enforcement officer, and the applicant tests positive for illegal drug use, the applicant's current employing agency shall be notified of the positive test result in writing by the Chief of Police or his/her designee.

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B. Trainees

1. Any trainee who tests positive for illegal drug use, subject to the rules adopted by the Police Training Commission shall:
  - a. Result in the trainee being immediately dismissed from basic training subject to rules adopted by the Police Training Commission and the trainee will be suspended without pay from employment with this agency;
  - b. Result in the trainee being terminated from employment with this agency, upon final disciplinary action;
  - c. Cause the trainee's name to be forwarded to the Central Drug Registry maintained by the Division of State Police (**See Appendix B**); and
  - d. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, the trainee shall permanently barred from future law enforcement employment in New Jersey.

C. Sworn Law Enforcement Officers

1. Any officer who tests positive for illegal drug use shall be immediately suspended without pay from all duties pending a hearing.
2. Upon receiving a positive test result, the Chief of Police or his/her designee shall immediately move forward in the administrative procedures as set forth below.
  - a. During the Administrative Hearing, the police officer will have the opportunity to respond to the charges.
    - Upon conclusion of the Administrative Hearing, if the police officer is found to have violated the policies outlined in this policy, the following will occur:
      - The police officer shall be terminated from employment as a member of this police department;
      - The officer's name will be forwarded to the Central Drug Registry maintained by the Division of State Police (**See Appendix B**); and
      - Pursuant to the Attorney General's Guidelines Law Enforcement Drug Testing Policy, 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. The Chief of Police or his/her designee shall make a determination whether an applicant, trainee or officer refused to submit to a drug test. Applicants who do refuse to submit to a drug test during the pre-employment process shall be subject to the consequences listed above.
- B. Any officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended without pay from all duties.
- C. A refusal shall be treated as a positive test result for the sole purpose of applying the provisions of section VIII, as set forth above.

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**X. Resignations and Retirements**

- A. An officer who tests positive for illegal drug use or who 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 Division of State Police and shall be barred from future law enforcement employment in New Jersey.

**XI. Record Keeping**

- A. The Chief of Police or his/her designee shall maintain all records relating to the drug screening of applicants, trainees and sworn members of the department.
- B. For all suspicion based drug screening, the records shall include at minimum:
  - 1. The identity of those ordered to submit urine samples;
  - 2. The reason for that order;
  - 3. The date the urine was collected;
  - 4. The identity of the monitor of the collection process;
  - 5. The chain of custody of the urine sample from the time it was collected until the time it was received by the New Jersey State Toxicology Laboratory within the Division of Criminal Justice;
  - 6. The results of the drug screening;
  - 7. Copies of notification to the subject; and
  - 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; pursuant to the agency rules and regulations.
  - 9. Documentation of the disciplinary process and conclusions to same resulting from any positive result or refusal to submit to testing.
- C. For random drug screening, the records will also include:
  - 1. A description of the process used to randomly select members for drug screening;
  - 2. The date the selection was made;
  - 3. A copy of the document listing the identities of those selected for drug screening;
  - 4. A list of those who were actually tested; and
  - 5. The date the urine was collected.
- D. The records of drug screening shall be maintained with the level of confidentiality and retention period required for Internal Affairs files pursuant to the Attorney General Guideline and the State of New Jersey Division of Revenue and Enterprise Services – Records Management Services.

**XII. 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 any sworn law enforcement officers, applicants, and trainees who test positive for the use of illegal drugs or refuses to submit to a urine sample (**See Appendix B**).

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- B. The Chief of Police's or his/her designee shall notify the Central Drug Registry maintained by the Division of State Police. Notification shall include the following information as to each individual:
1. Name and address of this department;
  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 applicable);
  7. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  8. Date of dismissal from the department; and
  9. Whether the individual was an applicant, trainee or sworn member of the department.

**Appendixes**

**[Applicant Notice And Acknowledgement - Appendix A](#)**

**[Notification To Central Drug Registry - Appendix B](#)**

**[Medication Questionnaire - Appendixes C](#)**

**[Chain Of Custody - Urine Specimen- Appendix D](#)**

**[LEDT Custody and Submission Form - Appendix E](#)**

**[Officer Notice And Acknowledgement - Appendix F](#)**