



# HACKETTSTOWN POLICE DEPARTMENT

## POLICIES AND PROCEDURES

<b>Subject:</b> Law Enforcement Drug Testing		<b>Number of Pages:</b> 16
<b>Issue Date:</b> 02/14/2025	<b>Expiration Date:</b> Until Amended or Rescinded	<b>Distribution List:</b> All Sworn Personnel
<b>Authorized By:</b> Aaron Perkins Chief of Police		

## POLICY

The Hackettstown Police Department is committed to maintaining a drug-free workplace and upholding the highest standards of integrity and professionalism among its law enforcement officers. This policy authorizes drug testing for applicants, trainees, and sworn officers, ensuring uniformity in its implementation and administration. The policy applies specifically to applicants for law enforcement positions, trainees under the Police Training Act, and sworn officers authorized to carry firearms under N.J.S.A. 2C:39-6. Civilian employees are excluded, with drug testing conducted under separate policies. This policy is designed to comply with relevant legal standards, including the New Jersey Attorney General's Law Enforcement Drug Testing Policy, ensuring consistency with the most recent guidelines and best practices in law enforcement.

## PURPOSE

This policy is designed to deter and eliminate illegal drug use among law enforcement officers, providing a clear mechanism for identifying and removing officers involved in such activities. Recognizing that drug use is fundamentally incompatible with the responsibilities of sworn officers, the policy mandates termination for those who test positive. It also establishes standardized procedures for the collection, submission, and analysis of drug test specimens, ensuring both accuracy and reliability while safeguarding officers' employment rights in accordance with legal standards.

## REFERENCE DOCUMENTS AND FORMS

1. Applicant Notice and Acknowledgement Form
2. Drug Testing Medication Information Form
3. Notification to the Central Drug Registry Form
4. Officer Notice and Acknowledgement Form

5. State Toxicology Laboratory Directions
6. Trainee Notice and Acknowledgement Form

## **PROCEDURE**

### **I. Applicability**

- A. This policy applies to the following 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 are 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.
- B. This policy does not apply to civilian employees of this agency. Any drug testing of civilian employees will be conducted under separate policies consistent with human resource policies and applicable collective bargaining agreements.**
- C. The drug testing program in this policy is categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing (including both random and reasonable suspicion testing).**

### **II. Types Of Testing**

#### **A. Applicant Testing**

1. Applicants for law enforcement positions will be required to submit to drug testing as part of the pre-employment screening process.
2. Drug testing may be conducted at any stage of the pre-employment process, including the initial application, medical examination, and psychological examination.
3. Applicants may be tested as many times as deemed necessary to ensure they are not engaged in the illegal use of drugs.

#### **B. Trainee Testing**

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course.
2. Testing will be conducted in accordance with the rules and regulations of the Police Training Commission.

3. Individual trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs or is under the influence of a controlled dangerous substance or cannabis during working/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 of the Hackettstown Police Department, or the academy director.

## C. Sworn Law Enforcement Officer Testing

### 1. Random Testing

- a) All sworn members of this agency, regardless of rank or assignment are subject to random drug testing.
- b) Biannual random drug testing shall be ordered twice a year and will include a number equal to 10% (rounded up) of all sworn officers in the Department. The dates of selection will be determined by the Chief of Police or designee.
- c) The method of random selection shall ensure that every probationary or sworn officer in the Hackettstown Police Department has an equal chance to be selected for testing each and every time a selection takes place, regardless of rank or assignment.

#### (1) Random Selection Process

- (a) Officers will be selected for drug testing through the use of a random selection program. A representative of the police bargaining unit(s) and internal affairs officer will observe and participate in the selection process.
- (b) The selection process and the names of the officers selected will be documented in a written report prepared by the internal affairs officer. The report will be stored in the Internal Affairs File.
- (c) Officers selected for random drug testing will be notified while on duty by the Internal Affairs Officer, or designee, and required to submit a urine specimen at that time. The specimen acquisition process will be kept confidential.
- (d) Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

#### d) Availability

- (1) Should a randomly selected officer be unavailable on the date selected, the following shall apply:

- (a)** The Internal Affairs Supervisor shall test the employee/employees at the earliest time available after the employee returns to work.
    - (b)** The Chief of Police has the discretion to excuse a selected employee on a case-by-case basis if the employee is absent due to military or an extended injury leave.
    - (c)** Any pending selection list shall expire at such time as the next random test is administered, notwithstanding that personnel from the previous list have not been tested due to unavailability or excusal.
  - (2)** Officers who are currently on suspension or administrative leave at the time of selection will be excluded from the random selection process for that testing cycle.

**e)** Any member of the Hackettstown Police Department who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens is subject to discipline.

## 2. Reasonable Suspicion Testing

- a)** This department is required to conduct drug testing when there is reasonable suspicion to believe that a sworn law enforcement officer is engaged in the illegal use of a controlled dangerous substance or is under the influence of a controlled dangerous substance, including unregulated marijuana or cannabis, during work hours.
- b)** Reasonable suspicion is based on objective facts that, when combined with rational inferences, would lead a reasonable person to conclude that drug-related activity is occurring or has occurred and that the officer in question is involved in that activity. The standard for reasonable suspicion is less stringent than that of probable cause, both in the quantity and reliability of the evidence required.
- c)** When determining whether reasonable suspicion exists, the following factors should be carefully evaluated to assess the quality and relevance of the information:
  - (1)** The nature and source of the information.
  - (2)** Whether the information is direct evidence or hearsay.
  - (3)** The reliability of the informant or source.
  - (4)** The existence and degree of corroborating information.
  - (5)** The timeliness of the information.

d) Before ordering an officer to undergo reasonable suspicion testing, the Chief of Police or their designee will consult with the County Prosecutor's Office and then prepare a written report that documents the basis for the test. In urgent situations, verbal approval for the test may be granted, but a written report must be completed as soon as possible thereafter.

e) Reasonable Suspicion Testing for Cannabis Use

(1) Consuming or being under the influence of cannabis while at work or during work/training hours is strictly prohibited. Officers shall be tested for cannabis in the following situations:

- (a) Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
- (b) Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the officer's duties.

### III. Notification Of Drug Testing Procedures

#### A. Applicants

1. This agency will notify applicants for law enforcement positions 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.
  - d) 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.
2. Applicants shall be further informed that the refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

#### B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
  - a) The 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 their name in the Central Drug Registry maintained by the Division of State Police.
- C. Sworn Law Enforcement Officers
  - 1. Each officer will be informed that random drug testing is mandatory for all sworn officers, regardless of rank or assignment.
  - 2. Each officer will be informed that in addition to random testing, they may be required to submit to a drug test if there is reasonable suspicion to believe that they are illegally using drugs.
  - 3. Officers will be informed that a negative result is a condition of employment and that a positive result will result in:
    - a) The officer's termination from employment;
    - 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. Officers will be informed that refusal to submit to a drug test will result in the same penalties as a positive test.

#### IV. Specimen Acquisition Procedures

##### A. General

- 1. The law enforcement agency shall designate a member of its staff to serve as a monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). 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 a monitor of the process.

##### B. Applicants

- 1. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute the Applicant Notice and Acknowledgement Form consenting to the collection and analysis of their urine for illegal drugs.
- 2. Applicants are not required to complete a Drug Testing Medication Information form at this time unless a positive test result requires an explanation by the prospective employee. The Drug Testing Medication Information form shall be used if a conditional offer of employment has been made to the applicant.

##### C. Trainees

1. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute the Trainee Notice and Acknowledgement Form.
2. Trainees shall complete a Drug Testing Medication Information Form listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the officer during the past 14 days.
  - a) The Drug Testing Medication Information form shall be placed in an envelope that is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

#### **D. Sworn Officers**

1. Prior to the submission of a urine specimen, an officer shall execute the Officer Notice and Acknowledgement Form.
2. Sworn officers shall complete the Drug Testing Medication Information Form listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the officer during the past 14 days.
  - a) The Drug Testing Medication Information form shall be placed in an envelope that is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

#### **E. Monitor's Responsibilities**

1. The monitor of the specimen acquisition process shall be responsible for the following:
  - a) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
  - b) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
    - (1) Individual specimens and forms shall be identified throughout the process by the use of donor identification numbers (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.
  - 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 the facts supporting the belief that the officer will attempt to compromise the integrity of the testing process before there can be direct observation.

**F. 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.

**G.** The donor will unseal the split specimen collection kit, remove the specimen bag and specimen containers from the specimen collection container, and place all items on a clean surface.

- 1. The specimen containers shall be kept closed/unsealed at this time.
- 2. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.

**H.** The monitor will instruct 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.

**I.** The monitor will check the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.

- 1. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor will indicate if the temperature is acceptable by marking either the "Yes" or "No" box in the specimen collection section of the CSF.
- 2. 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.

**J.** The monitor must follow the "shy bladder" procedure for donors who initially are unable to produce an adequate amount of urine (see "Shy Bladder" Procedure below).

**K.** The monitor will instruct the donor to split the collected specimen into the specimen containers.

**L.** The donor will then open both specimen containers and pour 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.

- M. The donor will then secure both specimen containers by placing and securing the lids/caps on the specimen containers.
- N. The monitor will instruct the donor to seal the specimen containers with tamper-proof evidence seals from the CSF.
- O. The donor will carefully remove the Bottle A Specimen Container Security Seal from the CSF and place it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
- P. The donor will carefully remove the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and place it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
- Q. After the seals are placed on the specimen containers, the donor will write the collection date and their initials in the space provided on the security seals to certify that the specimen containers contain the specimen that they provided.
- R. The monitor will print their name, sign, and date the monitor/agency acknowledgment section of the CSF.
- S. The monitor will instruct the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
- T. The monitor will separate the white laboratory copy of the CSF, fold it, and place it in the rear pouch of the specimen bag along with the sealed medication information sheet if provided.
- U. The monitor will then seal the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross-hatch slit opening.
  - 1. Any remaining urine and the specimen collection container may be discarded.
- V. 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.

**W. "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. The monitor shall not direct the donor to ingest more than 40 ounces of fluid.
  - 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.

## X. 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 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 they wish 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 Specimens 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 Law Enforcement Drug Testing Policy. Law enforcement agencies are 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 collection, the law enforcement agency shall store the specimens in a controlled access refrigerated storage area until submission to the Laboratory (see State Toxicology Laboratory Directions).
- 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 of tampering.

1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
2. Notify the submitting agency in writing with the reason for rejection clearly stated.

## VI. Analysis Of Specimens

A. The Toxicology Laboratory will analyze specimens for the following substances and their metabolites:

1. Amphetamine/Methamphetamine
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 sections.

**Note:** The Chief of Police may request that specimens be analyzed for the presence of steroids, which may be at an additional cost to the department.

B. The Toxicology Laboratory will utilize a two-stage procedure to analyze specimens.

1. In the first stage, all specimens will undergo an initial screening process using an immunoassay technique.
2. In the second stage, any specimens that test positive on the initial screen will undergo a second and more specific type of testing through gas chromatography/mass spectrophotometry (GC/MS).

C. 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.

1. 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 Chief of Police or their designee, following notification from the Laboratory, will have the candidate complete the Drug Testing Medication Information Form listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the donor during the 14 days prior to the specimen collection.
2. The Drug Testing Medication Information Form shall be placed in an envelope that is sealed by the donor.
3. The donor shall date and initial the seal, and write their Donor ID on the envelope.
4. The Hackettstown Police Department will be responsible for submitting the envelope to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

## **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 Drug Testing Medication Information form explains the test result.
  1. The Chief of Police or their designee will determine whether the officer, trainee, or applicant had a valid prescription for that drug.
  2. Officers who do not have a valid prescription are subject to disciplinary action including termination.

## **VIII. Consequences Of A Positive Test Result**

### **A. Applicants**

1. When an applicant tests positive for illegal drug use:
  - a) The applicant shall be immediately removed from consideration for employment by the agency.
  - b) The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
  - c) 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.
  - d) Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current

employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

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

1. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment.
2. The applicant will be barred from consideration for future law enforcement employment for a period of two years from the date of the refusal.
3. The appointing authority is required to forward the applicant's name to the Central Drug Registry, including a notation that the individual refused to submit to the drug test.

### **B. Trainees**

1. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and suspended from employment.
2. Upon confirmation that the trainee refused to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey.
3. The appointing authority must forward the trainee's name to the Central Drug Registry, noting the refusal to submit to the drug test.

#### **C. Sworn Law Enforcement Officers**

1. Sworn law enforcement officers who refuse to submit to a drug test ordered due to reasonable suspicion or random selection shall be immediately suspended from employment.
2. Upon confirmation that the officer refused to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey.
3. The appointing authority must forward the officer's name to the Central Drug Registry, noting the refusal to submit to the drug test.
4. If an officer is unable to produce a specimen without a valid reason, their actions will be treated as a refusal.
5. Additionally, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and fails to provide the specimen will 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 their employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

#### **XI. Record Keeping**

- A. The agency's Internal Affairs Unit will maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
- B. These records will include but not be limited to:
  1. The identity of those ordered to submit urine samples;
  2. The reason for the order;

3. The date the sample was collected;
4. The monitor of the collection process;
5. The chain of custody of the sample from the time it was collected until the time it was received by the laboratory;
6. The results of the drug testing;
7. Copies of notifications to the subject officer;
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 disciplinary action.

**C.** For random drug testing, the records will also include:

1. A description of the process used to randomly select officers for drug testing;
2. The date 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.** Drug testing records will be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

**XII. Central Drug Registry**

- A.** The agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees, and sworn law enforcement officers who test positive for the illegal use of drugs; and 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.
- 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 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 his or her employer to 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 submitting agency, 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 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 or director 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 law enforcement agency as part of the background investigation process for prospective or newly appointed personnel; and
- 2.** In response to a court order.