

### **Authority/Purpose and Applicability**

Under the authority established by New Jersey Law, the Attorney General's Guidelines, the Gloucester County Prosecutor's Office, and Logan Township rules and regulations, the Logan Township Police Department will be responsible for establishing this standard operating procedure for drug testing and random drug testing for controlled dangerous substances including anabolic steroids. This policy and procedure will include all sworn officers (SLEO I and SLEO II), police applicants, trainees in the police academy and civilian employees of the department.

The purpose of this SOP is to develop a fair, equitable system of implementing and maintaining an illegal drug, random drug, and anabolic steroid testing program that will reflect the integrity and professionalism of the Logan Township Police Department.

This policy and procedure applies to:

- **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;
- Law enforcement officer **trainees** subject to the Police Training Act while they attend a mandatory basic training course; and
- **Sworn 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. This will also include SLEO I and SLEO II officers employed by the Department.
- This policy shall also apply to and will not limit in any way the rights of the Logan Township Police Department to drug test any other civilian employee that is assigned to the Police Department.

### **I. Types of Drug Testing Procedures**

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

1. Applicants shall be required to submit a urine specimen at any time prior to completion of their probationary period.
2. During the pre-employment process, this agency must ensure that it complies with the provisions of the Americans with Disabilities Act by refraining from making any medical inquiries. Therefore, the medication information form shall not be used at the applicant stage, unless a positive test requires an explanation by the prospective employee.

#### **B. Law enforcement trainees**

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission.
2. Individual trainees may also be required to submit a urine specimen for testing when there is 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 executive officer of the trainee's agency, or the

academy director.

### **C. Sworn officers**

1. Urine specimens shall be ordered from a sworn officer of the Logan Township Police Department when there is reasonable suspicion to believe that the officer is illegally using drugs or anabolic steroids. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the chief executive officer of the officer's agency as per Section III, paragraph C, 1 through 4 of this policy.
2. Urine specimens shall be ordered from sworn officers who have been randomly selected to submit to a drug test (including anabolic steroids). Random selection will be by a lottery system and shall be achieved by using a method by which every sworn officer, regardless of rank or assignment has an equal chance of being selected for drug testing every time a selection is conducted. The lottery system may include a procedure that uses the social security numbers of every officer or a process done via a computer program such as the one available in Pro Phoenix Records Management.  
In the former, each officer's social security number will match a corresponding ball and number. The balls will be placed into a cylinder (bingo style) that randomly selects each number. The numbers will be tabulated and the appropriate officer will be notified that they must submit to a random test.  
The computer method will randomly select sworn officers based on a predetermined program that no Logan Township Officer may manipulate. Said program will generate a printed report which will become part of the testing documentation for that year. As always, a representative from the bargaining unit will be present at the time of selection.
3. Urine specimens may be collected from sworn officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens will not be governed by this policy.

### **D. Civilian Employees**

1. Urine specimens shall be ordered from civilian employees of the Logan Township Police Department when there is reasonable suspicion to believe that the employee is illegally using drugs or anabolic steroids. Urine specimens shall not be ordered from an employee without the approval of the chief executive officer of the agency.
2. Urine specimens may be collected from a civilian employee during a regularly scheduled and announced medical examination or a fitness for duty examination. The collection and analysis of these specimens will be governed by this policy.

## **II. Notification of drug testing procedures**

## **A. Applicants**

1. Applicants will be advised that the pre-employment process will include drug testing and testing for anabolic steroids. 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) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police, and c) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. 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, pursuant to the Attorney General's Law Enforcement Drug Testing policy, revised March 2018, and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey, pursuant to the Attorney General's Law Enforcement Drug Testing Police, revised March 2018.

## **B. Trainees**

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in: a) the officer's termination from employment; and b) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the officer 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 pursuant to the Attorney General's Law Enforcement Drug Testing policy, revised May 2012 a permanent ban from future law enforcement employment in New Jersey.
3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training. If the Police Academy has not established a drug testing program the Logan Township Police Department will perform the testing pursuant to this SOP.

## **C. Sworn officers: reasonable suspicion testing**

1. The Logan Township Police Department, in accordance with N.J.S.A. 40A: 14-118, has adopted that a sworn officer shall submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally

- using drugs or anabolic steroids.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report, which documents the basis for the reasonable suspicion. The chief shall review the report before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
  3. A negative result is a condition of employment as a sworn officer and a positive result will result in: a) the officer's termination from employment; b) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the officer being permanently barred from future law enforcement employment in New Jersey.
  4. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, or who submits an adulterated or modified urine sample, or who in any way attempts to evade a drug test or submit a false or misleading sample is subject to the same penalties as those officers who test positive for the illegal use of drugs. 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.

**D. Sworn officers: Random drug testing**

1. Logan Township Police Department will implement a random drug-testing program for its sworn officers pursuant to rule and regulation duly adopted by the appropriate authority of the Township.
2. The following conditions shall apply and the procedures will be:
  - a) All sworn members of the Logan Township Police Department are eligible for random drug testing, regardless of rank or assignment.
  - b) Biannual random drug and anabolic steroid testing shall be ordered twice a year and will include a number equal to 20% (rounded up) of all sworn officers in the Department. (Anabolic steroid testing shall include 1% of the sworn officers, inclusive of the 20% randomly selected). The tests will be conducted simultaneously.
  - c) Urine specimens shall be ordered from sworn officers who have been randomly selected to submit to a drug test (including anabolic steroids). Random selection will be by a lottery system and shall be achieved by using a method by which every sworn officer, regardless of rank or assignment has an equal chance of being selected for drug testing every time a selection is conducted. The lottery system may include a procedure that uses the social security numbers of every officer or a process done via a computer program such as the one available in Pro Phoenix Records Management.
  - d) In the former, each officer's social security number will match a

corresponding ball and number. The balls will be placed into a cylinder (bingo style) that randomly selects each number. The numbers will be tabulated and the appropriate officer will be notified that they must submit to a random test.

- e) The computer method will randomly select sworn officers based on a predetermined program that no Logan Township Officer may manipulate. Said program will generate a printed report which will become part of the testing documentation for that year. As always, a representative from the bargaining unit will be present at the time of selection.
  - f) Records shall be kept of each random selection and signed by all present at the lottery. These records will be confidential and kept by the IA officer.
  - g) A representative of the collective bargaining unit(s) shall be invited to witness the selection process.
  - h) Any officer or member of the Logan Township 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 shall be subject to discipline.
  - i) Urine specimens will be collected from selected officers in a prompt, efficient and confidential manner by using containers approved by the New Jersey State Toxicology Laboratory.
3. Any officer who refuses to submit to a drug test when randomly selected, or who submits adulterated or modified urine samples, or who in any way attempts to evade a drug test or submit false or misleading sample, is subject to the same penalties as those officers who test positive for the illegal use of drugs. Any 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.

**E. Civilian Employees:** Reasonable Suspicion testing, Procedures, discipline, and refusal:

- 1. Before an employee may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report, which documents the basis for the reasonable suspicion. The Chief shall review the report before a reasonable test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
  - a) The Procedures for acquisition and gathering of specimens from an employee shall be followed in Article IV, section A; paragraphs; 1,2, section B; paragraphs; 1,2,3,4,5 and Article V, VI, and VII. An employee shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected. (Section B paragraph 6a,b,c,(1),(2), (3), and (4) will also apply if a second specimen is collected).

2. A positive drug test will result in disciplinary action(s) appropriate under the circumstances.
3. Any employee who refuses to submit to a drug test when advised, or who submits adulterated or modified urine samples, or who in any way attempts to evade a drug test or submit a false or misleading sample, is subject to the same discipline as if the test was positive.

### III. Specimen acquisition procedures

#### A. Preliminary acquisition procedures

1. A member of the Police Department will serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
2. The monitor of the specimen acquisition process shall be responsible for:
  - a) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
  - b) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
  - c) Complying with 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 for analysis.
3. Prior to the submission of a specimen, an **applicant for a law enforcement position** shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the form shall also advise the applicant that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years. Applicants shall not complete a medical questionnaire (Attachment B) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.
4. Prior to the submission of a urine specimen, pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, a **trainee enrolled in a basic training course** shall execute a form

(Attachment C) advising the trainee that a negative result is a condition of employment and that a positive result will: a) result in the trainee being dismissed from basic training; b) cause the trainee to be dismissed from employment as a law enforcement officer by his or her appointing authority; c) cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and d) cause the trainee to be permanently barred from future law enforcement employment in New Jersey. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (nonprescription), that were ingested in the past 14 days.

5. Prior to the submission of a urine specimen, **sworn officers** shall complete a medical questionnaire (Attachment B) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.

#### B. Specimen collection

1. Throughout the test process, the identity of individual applicants, trainees and sworn officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory.
3. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory.
  - a) Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor
  - b) The monitor allows the donor to select two sealed specimen kits
  - c) The donor shall unseal both kits and removes the kit contents onto a clean surface
  - d) Using a pencil, the donor shall write his/her Social Security Number and the letter "A" under the SSN on one ID label and place same inside one of the specimen containers printed side out, thereby designating the container as "Bottle A" and "first specimen."
  - e) Next, using a pencil, the donor shall write his/her Social Security Number and the letter "B" under the SSN on one ID label and place same inside one of the specimen containers printed side out, thereby designating the container as "Bottle B" and "second specimen."
  - f) After the monitor has inspected the appropriate forms for accuracy and confirmed that the social security numbers match on all the documents, the applicant, trainee or sworn officer shall void a

specimen between 45 mL and 60 mL into each specimen collection container.

- g) After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.
  - h) The monitor shall check each specimen for the appropriate volume and temperature (90-100 degrees within 4 minutes of collection).
  - i) Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
  - j) The individual submitting a specimen will complete a medical questionnaire form. This form will be completed in the presence of the Police Captain, Police Lieutenant or the designee, when the specimen is given. The questionnaire will be placed into an envelope and sealed. The front of the envelope will be marked with the social security number of the individual. The back of the envelope will be marked with the individual's initials and date, along the seam, AND the initials of the Police Captain, Police Lieutenant or the designee. The envelope will accompany the specimen to the state laboratory.
4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. The monitor must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
  5. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids, up to 40 oz. in three hours, in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
  6. Trainees and sworn officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected.
    - a) The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
    - b) The Logan Township Police Department shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled

substances.

- c) The second specimen shall be released by the Logan Township Police Department under the following circumstances:
  - 1) The Logan Township Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
  - 2) The Logan Township Police Department is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
  - 3) The officer must designate a laboratory from the attached list that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
  - 4) A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

#### **IV. Submission of specimens for analysis procedures**

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests involving Logan Township law enforcement officers, trainees, applicants, and civilian employees.
- B. Urine specimens will be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Logan Township Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  1. Submission of specimens to the State Toxicology Laboratory will be accomplished by personnel from the Logan Township Police Department or commercial courier.
  2. Should the Logan Township Police Department choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
    - a) All submissions must be by "next day delivery."
    - b) In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.
    - c) The State Toxicology Laboratory will reject specimens that it has reason to believe have been subject to tampering.
  3. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form and the sealed envelope containing the Medication Information Form.

## **V. Analysis of specimens procedures**

- 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.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - 1. Amphetamines
  - 2. Barbiturates
  - 3. Benzodiazepines
  - 4. Cocaine
  - 5. Marijuana
  - 6. Methadone
  - 7. Opiates
  - 8. Oxycodone/Oxymorphone
  - 9. Phencyclidine
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
  - 1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their 11 metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  - 2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an

applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

- F. In addition to the testing outlined above, specimens submitted to the 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.

## **VI. Drug test results**

- A. The State Toxicology Laboratory shall notify the Logan Township Police Department of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within 15 working days of the submission. The Laboratory, upon written notice, will be requested to send a notice stating that the tests were negative.
- 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 Logan Township Police Department shall notify the applicant, trainee or officer of the results of a positive test result as soon as practical 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 an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

## **VII. Consequences of a positive test result**

- A. When an **applicant** tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by the agency;
  - 2. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, 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; and
  - 3. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy,

revised March 2018, the applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.

4. Pursuant to the Attorney General's Law Enforcement Drug Testing policy, revised March 2018, 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.

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. Upon completion of an Internal Affairs investigation and associated final disciplinary action by this agency, the trainee shall be terminated from employment as a law enforcement officer, in accordance with any applicable termination procedure. Trainees serving in their probationary periods may be terminated at will.
3. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
4. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the trainee shall be permanently barred from future law enforcement employment in New Jersey.

C. When a **sworn officer** tests positive for illegal drug use:

1. The officer shall be immediately suspended from all duties;
2. At the conclusion of an Internal Affairs investigation, the officer shall be administratively charged and, upon final disciplinary action by this agency, the officer shall be terminated from employment as a law enforcement officer;
3. Pursuant to the Attorney General's Drug Testing Policy, revised March 2018, the officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
4. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the officer shall be permanently barred from future law enforcement employment in New Jersey.

## VIII. 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, and pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the Logan Township Police Department shall forward the applicant's name to the Central Drug Registry and note that the individual refused

to submit to a drug test.

- B. **Trainees** who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment in accordance with any applicable termination procedures. Trainees serving in their probationary periods may be terminated at will. Further, and pursuant to the Attorney General's Drug Testing Policy, revised March 2018, the trainee shall be permanently barred from future law enforcement employment in New Jersey. In addition, pursuant to the Attorney General's Drug Testing Policy, revised March 2018, the Logan Township Police Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  - C. **Sworn 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 in accordance with applicable termination procedures. Further and pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the officer shall be permanently barred from future law enforcement employment in New Jersey. In addition, and pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the Logan Township Police Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. It shall be noted that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after 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.
- IX.** A sworn officer who tests positive for illegal drug use or refuses to submit to a drug test, or who submits adulterated or modified urine samples, or who in any way attempts to evade a drug test or submits a false or misleading sample, or who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Logan Township Police Department to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey and pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018.
- X. Record keeping**
- A. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
  - B. The drug testing records shall include but not be limited to:

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

## **XI. Central Drug Registry**

- A. Pursuant to the Attorney General's Law Enforcement Drug Testing Policy, revised March 2018, the Logan Township Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment D.
- B. A sworn law enforcement 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 by the Logan Township Police Department to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
  1. name and address of the Logan Township Police Department, and contact person;

2. name of the individual who tested positive;
3. last known address of the individual;
4. date of birth;
5. social security number;
6. SBI number (if known);
7. Gender
8. Race
9. Eye color
10. substance the individual tested positive for, 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, and notarized with a raised seal.

E. Notifications to the central registry shall be sent to:

Division of State Police  
State Bureau of Identification  
Central Drug Registry  
P.O. Box 7068  
West Trenton, New Jersey 08628-0068

F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:

1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
2. In response to a court order.

## **XII.** Notification to County Prosecutor

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

By December 31<sup>st</sup> of each year, every law enforcement agency shall provide written notice to their County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

B. By January 31<sup>st</sup> of each year, each county Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice prosecutors'

Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not. The summary shall not reveal any subject's officer's identity.

**XIII.** Public Accessibility and Confidentiality

- A. All random drug testing policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website. Annual reports from the County Prosecutors to the Attorney General also shall be made available to the public upon request and shall be posted to the agency's website.
- All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.