



New Jersey Law Enforcement Drug Testing Manual



Law Enforcement Drug Testing Manual

Introduction

In October 1986, the Attorney General of New Jersey issued Law Enforcement Drug Screening Guidelines for use by the State's law enforcement agencies. These guidelines, which were developed by the New Jersey Criminal Justice Advisory Council, outlined methods and procedures for the drug testing of law enforcement officers that were consistent with the legal principles governing workplace drug testing and satisfied the Attorney General's responsibility to maintain the integrity of the State's law enforcement agencies.

The 1986 policy was revised in 1990 and 1998. The 1990 revisions modified the specimen acquisition process and designated the State Toxicology Laboratory in Newark as the sole facility for law enforcement drug testing in New Jersey. The 1998 revisions renamed the document the *Law Enforcement Drug Testing Policy* and permitted law enforcement agencies to implement random drug testing programs. It was revised in June 2001 to clarify some issues concerning random drug testing and the Central Drug Registry.

The purpose of this manual is to acquaint law enforcement personnel with New Jersey's law enforcement drug testing program. Specific sections of this manual will discuss in detail the following topics:

- The objectives of a law enforcement drug testing program;
- The types of drug testing that can be conducted by a law enforcement agency;
- The implementation of a random drug testing program;
- The collection and submission of specimens to the State Toxicology Laboratory;
- The analysis of specimens by the State Toxicology Laboratory;
- The reporting of drug test results to law

enforcement agencies;

- The consequences of a positive test result for subject officers; and
- The responsibilities of the law enforcement agency and executive officers following the receipt of test results.

The Division of Criminal Justice together with the State Toxicology Laboratory is responsible for coordinating the law enforcement drug testing program. Information concerning the program may be found at the Division's website "www.njdcj.org". In addition, specific inquiries may be addressed to the Division of Criminal Justice at 609-984-6500.

Objectives

As the chief law enforcement officer of the State, the Attorney General has a duty to ensure that the citizens of New Jersey receive police services from law enforcement officers whose competency and integrity are beyond question. The Attorney General is also responsible for ensuring that the illegal use of drugs by individual law enforcement officers does not undermine the integrity of law enforcement agencies or threaten the safety and morale of other law enforcement officers.

In an effort to fulfill these responsibilities, the Attorney General has issued the *Law Enforcement Drug Testing Policy*. The goal of the policy is deter illegal drug use by law enforcement officers. The policy provides law enforcement agencies with a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive must be terminated from employment.

The policy sets forth uniform methods and procedures for implementing and administering law enforcement drug testing. The policy also outlines the duties and responsibilities of the State's law

enforcement agencies and chief executive officers with respect to the drug testing process. Any law enforcement agency that implements a drug testing program must do so consistent with the policy.

The policy also seeks to ensure that the employment rights of individual law enforcement officers are safeguarded consistent with existing legal principles. As a result, the policy sets forth procedures for the uniform collection, submission and analysis of drug test specimens. The procedures seek to ensure the accuracy and reliability of the drug testing process. They also seek to ensure that each law enforcement agency administers its drug testing program in a way that is fundamentally fair to individual law enforcement officers and is consistent with existing due process requirements.

In addition to providing uniform methods and procedures for implementing and administering the drug testing process, the policy imposes uniform penalties on those law enforcement officers who test positive for the illegal use of drugs. The Attorney General has determined that illegal drug use by law enforcement officers or those attending mandatory basic training to become a law enforcement officer will not be tolerated. Thus, permanently appointed law enforcement officers and those attending mandatory basic training to become a law enforcement officer who test positive for the illegal use of a controlled substance shall be dismissed from employment and permanently banned from future law enforcement employment in New Jersey. Applicants and candidates for law enforcement employment who test positive for illegal drug use during a pre-employment background investigation shall be removed from further consideration for employment, and barred from law enforcement employment in New Jersey for two years.

Applicability

Law enforcement agencies may drug test sworn law enforcement officers in a manner that is consistent with the *Law Enforcement Drug Testing Policy*. In order for a sworn law enforcement officer to be subject to this drug testing policy, the officer must be responsible for the enforcement of the criminal laws of

this State, come under the jurisdiction of the Police Training Act, and be authorized to carry a firearm under *N.J.S.A. 2C:39-6*.

Under the Special Law Enforcement Officers' Act, (*N.J.S.A. 40A:14-146.8 et seq.*), special law enforcement officers are required to comply with the same rules and regulations as regular police officers employed by the same agency. Therefore, if an agency's regular police officers are required to undergo drug testing, the agency's special law enforcement officers are also required to undergo drug testing. However, only Class Two Special Law Enforcement Officers are subject to testing under the policy. In addition, special law enforcement officers are subject to testing only during those periods when they are employed by the municipality. For example, if a special law enforcement officer is appointed in January but employed only between May and October, the special officer is exempt from drug testing between January and April, subject to drug testing between May and October and exempt again in November and December. Special law enforcement officers employed throughout the calendar year are subject to drug testing throughout the calendar year. During those periods when they are eligible for drug testing, special law enforcement officers should be tested at the same time and in the same manner as the agency's regular police officers.

Because the authority of the Attorney General under the Criminal Justice Act of 1970 (*N.J.S.A. 52:17B-98*) is limited to county and municipal law enforcement agencies, the *Law Enforcement Drug Testing Policy* does not apply to State and county corrections officers, interstate law enforcement officers and federal law enforcement officers. Agencies that employ these officers are free to adopt their own drug testing policies that address the specific issues posed by the duties these officers perform.

The *Law Enforcement Drug Testing Policy* also does not apply to civilian employees of a law enforcement agency. Agencies that wish to drug test civilian employees should consult with legal counsel to determine whether drug testing policies and procedures have been addressed by a collective bargaining agreement or some other administrative or executive official.

In addition, the *Law Enforcement Drug Testing Policy* does not govern drug testing that may be conducted during a regularly scheduled medical examination. Law enforcement agencies have the discretion to require their employees to undergo periodic medical examinations to ensure their fitness for duty. Whether drug testing will be conducted during a periodic medical examination is a matter to be decided by the agency in consultation with the doctor or doctors conducting the examinations. In the event drug testing is conducted during a periodic medical examination, the collection and analysis of specimens shall be performed according to procedures established by the doctor or doctors conducting the examination. However, individual officers who test positive for illegal drug use during a periodic medical examination are subject to appropriate disciplinary action under the rules and regulations of their agency.

Types of Drug Testing

Law enforcement drug testing may be categorized according to 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, reasonable suspicion testing and random testing.

Applicant Testing

The *Law Enforcement Drug Testing Policy* recognizes that drug testing may be an important component of a pre-employment background investigation. Thus, while the policy does not require prospective employees to be drug tested, law enforcement agencies seeking to hire officers should strongly consider drug testing candidates for employment. The policy permits law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.

In addition, candidates for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the candidates are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant

amount of time has elapsed since the previous step in the employment process.

During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

Trainee Testing

Individuals hired as law enforcement officers 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 a police academy. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

Reasonable Suspicion Testing

A third method for selecting individuals for law enforcement drug testing is reasonable suspicion testing. While law enforcement agencies are not required to implement applicant testing or random testing, agencies must undertake reasonable suspicion testing when there is reasonable suspicion to believe that a law enforcement officer, prospective law enforcement officer or law enforcement officer trainee is engaged in the illegal use of controlled substances.

Unlike applicant and trainee testing, reasonable suspicion testing requires a decision as to whether the appropriate basis for conducting a test exists (i.e. reasonable suspicion). Because reasonable suspicion is a legal concept of some complexity, this manual will not attempt to define the term. However, law enforcement executive officers should be aware of the following.

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."¹ The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways.² First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard.³ Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause."⁴ The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:

1. The nature and source of the information;
2. Whether the information constitutes direct evidence or is hearsay in nature;
3. The reliability of the informant or source;
4. Whether corroborating information exists and the degree to which it corroborates the accusation; and
5. Whether and to what extent the information may be stale.⁵

Every law enforcement agency subject to the jurisdiction of the Attorney General must include in its rules and regulations a provision governing reasonable suspicion drug testing. Before a law enforcement executive may order an individual officer to undergo reasonable suspicion testing, the agency shall prepare a written report documenting the basis for the test. Law enforcement executives who wish to discuss whether the information they possess is sufficient to conduct reasonable suspicion testing should contact their county prosecutor's office for advice.

¹ *Caldwell v. New Jersey Department of Corrections*, 250 N.J.Super. 592, 609 (App. Div. 1991); *certif. denied*, 127 N.J. 555 (1991).

² *Drake v. County of Essex*, 275 N.J.Super. 585, 589 (App. Div. 1994).

³ *Id.*

⁴ *Id.*

⁵ *Caldwell v. New Jersey Department of Corrections* at 250 N.J.Super. at 609.

Random Testing

The last method of selecting law enforcement officers for drug testing is random selection. The most recent revisions to the *Law Enforcement Drug Testing Policy* authorize law enforcement agencies to drug test sworn law enforcement officers by randomly selecting the officers to be tested. Random selection is defined by the policy as a method of selecting employees for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. The 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.

The *Law Enforcement Drug Testing Policy* does not require law enforcement agencies to implement random drug testing programs. However, agencies that establish a random drug testing program must do so by rule, regulation or procedure. A municipal police department should have the appropriate authority adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 authorizing random drug testing. County, State or campus police agencies should have the appropriate administrative, executive or law enforcement official adopt a policy or procedure authorizing random drug testing. Random drug testing cannot be implemented until the rule, regulation or procedure has been in effect for a minimum of 60 days.

The rule, regulation or procedure authorizing random drug testing should state that all sworn members of the agency are eligible for random drug testing, regardless of rank or assignment. The rule, regulation or procedure should also indicate the maximum number of officers to be selected each time a random selection takes place. This can be expressed as either the number of officers to be selected or a percentage of the agency's sworn personnel. It is acceptable to state this as a maximum number of officers to be tested, e.g., "No more than 30% of the officers in the department will be selected each time a random drug test is conducted." In any case, the number of sworn officers selected shall be less than the total number of sworn officers employed by the agency.

The agency must choose a method of random selection which ensures that every sworn officer in the agency has an equal chance of being selected each and every time a selection takes place. In other words, an officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests. The mechanism for selecting officers can be as simple and inexpensive as placing names in a hat, or as complex and expensive as a custom computer program. The procedures used for each random selection must be carefully documented.

The random selection process should be verified and documented. The agency should permit representatives of the affected collective bargaining units to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone 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, will be subject to discipline.

Collection of Specimens

The integrity and accuracy of the law enforcement drug testing program depends in large measure on appropriate specimen acquisition procedures. Fortunately, these procedures are not complicated and can be followed on a step-by-step basis.

The agency will designate a staff member to serve as monitor of the specimen acquisition process. This monitor should always be of the same sex as the individual being tested. However, 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.

The monitor of the specimen acquisition process shall be responsible for ensuring that all documentation associated with the test procedures is fully and accurately completed by the individual submitting the specimen. The monitor will insure that the collection of specimens is done in a manner that provides for individual privacy while ensuring the

integrity of the specimen.

Prior to the submission of a urine specimen, sworn law enforcement officers and law enforcement trainees shall complete a medication information form (Attachment A) by 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. Candidates for law enforcement employment are not required to complete a medication information form at this time.

Throughout the testing process, the identity of individual law enforcement officers shall remain confidential. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.

Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment.

The procedures for labeling, collecting and sealing urine specimen containers are set forth in Attachment B.

Every effort shall be made to ensure the privacy of individual officers who have been directed to provide a specimen. Therefore, individual officers will void without the direct observation of the monitor. This means that while the monitor may be present in the area where individuals void, there can be no direct observation of the officer's production of a specimen. However, it is the responsibility of the monitor to ensure the accuracy and integrity of the test. Therefore, a monitor can, among other things, 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. In addition, the monitor may wish to add tinting agents to

toilet water and secure the area where the specimens are to be collected prior to conducting individual drug tests.

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 test process before there can be direct observation.

After a specimen has been produced, the officer shall seal the specimen container and deliver it to the monitor. The monitor shall take possession of the specimen and ensure that it has been properly labeled and sealed. The monitor must check the temperature tape on the specimen container within five minutes of collection. A reading between 90° and 100° F is acceptable. If the temperature tape does not indicate the acceptable temperature, the monitor must examine the possibility that the officer attempted to tamper with the collection.

At the conclusion of the test process, the monitor shall ensure that all chain of custody documentation has been properly completed and make arrangements for the specimen to be delivered to the State Toxicology Laboratory.

Individuals who 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 direct the individual to drink fluids 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 is the result of a medical or physical infirmity. If there is no valid reason why an individual officer cannot produce a specimen, the inability to produce a specimen shall be deemed a refusal to cooperate with the test process and

the appropriate action taken against the officer.

Second Specimen

Law enforcement officers and law enforcement trainees have the option to provide the monitor with a second urine specimen. This second specimen must be collected at the same time and the same place as the first specimen. The second specimen must be given contemporaneous with the first specimen, in other words, during the same void. 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.

The law enforcement agency 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.

The second specimen shall be released for analysis by the law enforcement agency under the following circumstances:

1. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
2. The agency is informed by the officer whose specimen tested positive that the officer wishes to have the specimen independently tested; and
3. The officer designates a laboratory 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 takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.

Submission of Specimens for Analysis

The State Toxicology Laboratory within the Division of Criminal Justice 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.

Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after collection. In the event a specimen cannot be submitted to the laboratory within one working day of collection, the law enforcement agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.

The submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier. Should a law enforcement agency choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the submission must be by "next day delivery," and packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

All specimens must be accompanied by a medical information form and a specimen submission record (Attachment C). The State Toxicology 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. In situations where documentation remains incomplete for a total of five business days, the specimen will be discarded.

In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering. The Laboratory may reject any specimen it has reason to believe has been tampered with or damaged.

Directions to the State Toxicology Laboratory are found in Attachment D. The Laboratory will accept submissions on regular work days, from 8:30 a.m. to 4 p.m. The Laboratory can be contacted at 973-648-3915.

Analysis of Specimens

The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for illegal drug use.

The Laboratory's drug testing procedures will screen specimens for the following controlled substances at the cut-off levels indicated:

1. Amphetamine / methamphetamine . . 300 ng/ml
2. Barbiturates 300 ng/ml
3. Benzodiazepine 300 ng/ml
4. Cannabinoids (marijuana) 20 ng/ml
5. Cocaine 300 ng/ml
6. Methadone 300 ng/ml
7. Opiates (heroin) 300 ng/ml
8. Phencyclidine 75 ng/ml

The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens. In the first stage, all specimens submitted to the Laboratory will undergo an initial drug screening procedure. This procedure, which employs fluorescence polarization immunoassay (FPIA) technology, analyzes each specimen for the eight substances listed above. The initial screening procedure analyzes each specimen to determine whether one or more of the eight substances or their metabolites are present.⁶ If the initial analysis determines that a specimen contains one of the substances listed above in an amount equal to or greater than the cut-off level, the specimen will undergo a second stage of analysis.

⁶ A metabolite results from the body's breakdown of a particular substance.

Gas chromatography/mass spectrophotometry (GC/MS) constitutes the second stage of analysis employed by the State Toxicology Laboratory. Specimens that have tested positive following FPIA analysis in an amount equal to or greater than the cut-off level will undergo GC/MS analysis. This second stage of analysis will seek to confirm the presence of the substance identified by the FPIA analysis. The GC/MS analysis will utilize cut-off levels for each substance that are different from the cut-off levels utilized by the FPIA analysis.

When a specimen tests positive at the initial screen and the confirmation analysis, 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.

Candidates for law enforcement employment are not required to submit a medication information form with their specimen. Therefore, if a candidate's specimen tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the medication information form. 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.

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 the facilities of cooperating laboratories to arrange drug testing for steroid abuse, as well as various "designer", "club" or "rave" drugs including the following:

1. Methylenedioxymethamphetamine (aka MDMA, Ecstasy, X, XTC);
2. Gamma-hydroxybutyrate (aka GHB, Grievous Bodily Harm, G, Liquid Ecstasy);
3. Ketamine (aka Special K, Vitamin K, K);
4. Rohypnol (aka Roofies, Rophies, Forget-me

pill);

5. Lysergic acid diethylamide (aka LSD);

The methods and procedures used to analyze specimens for these additional substances will differ from the procedures outlined above.

Ordinarily, drug testing for the additional substances listed above will be limited to specimens collected based on reasonable suspicion. Agencies wishing to conduct testing for these additional substances on a more regular basis must contact the Division of Criminal Justice and the State Toxicology Laboratory.

Reporting of Drug Test Results

The 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. 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 overnight express mail.

In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and that a prescription medication listed on the form by the officer explains the test result. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription. Officers who do not have a valid prescription are subject to disciplinary action including termination by the agency.

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 by the Laboratory.

Consequences of a Positive Test Result

Applicants

When an applicant tests positive for illegal drug use, the applicant shall be immediately removed from consideration for employment by the agency. In addition, 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. Any applicant who tests positive will be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years from the date of the test.

Where an 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.

Trainees

When a trainee tests positive for illegal drug use, the trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission. In addition, the trainee shall be suspended from employment by his or her appointing authority. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer, and be reported to the Central Drug Registry. The trainee shall be permanently barred from future law enforcement employment in New Jersey.

Sworn Law Enforcement Officers

In the event of a positive test result, the submitting agency shall notify the officer of the results as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the officer may receive a copy of the laboratory report.

The officer shall be immediately suspended from all duties. The officer shall be administratively

charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.

The officer shall be reported to Central Drug Registry maintained by the Division of State Police by his or her employer. In addition, the officer shall be permanently barred from future law enforcement employment in New Jersey.

Consequences of a Refusal to Submit to a Drug Test

Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

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

Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions

will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

Central Drug Registry

Every law enforcement 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 or who refuses an order to submit to a drug test.

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

Notifications to the Central Drug Registry shall be made on the form in Attachment E, and shall be signed by the chief or director and notarized with a raised seal. The following information shall be included:

1. name and address of the submitting agency;
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. 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.

Notifications to the Central Drug Registry shall be sent to:

Division of State Police
Records and Identification Section
P.O. Box 7068
West Trenton, New Jersey 08628-0068

Record Keeping

Each law enforcement agency's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

For all drug testing, the records shall include but not be limited to:

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 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 State Toxicology Laboratory;
6. the results of the drug testing;
7. copies of notifications to the subject officer; and
8. for any positive result or refusal, appropriate documentation of disciplinary action.

For random drug testing, the records will also include the following information:

9. a description of the process used to randomly select officers for drug testing;
10. the date selection was made;
11. a copy of the document listing the identities of those selected for drug testing;
12. a list of those who were actually tested; and
13. the date(s) those officers were tested.

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*.

ATTACHMENT A
 DRUG TESTING
 MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

T all that apply:

- A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

- B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

- C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

 Social Security Number & Initials

 Date

 Signature of Witness

 Date

ATTACHMENT B
New Jersey Law Enforcement Drug Testing

INSTRUCTIONS FOR USING THE DOX CONTAINER

-
1. The individual being tested fills out the plastic label. USE A NUMBER 2 PENCIL.

SOCIAL SECURITY NUMBER ONLY,
NO NAMES.



-
2. The individual places the label inside the container, printed side out.



-
3. The individual being tested will void into the container after the label has been put inside the container.

-
4. Place the filled bottle on the table. Push cap into the bottle using the palm of the hand, until it snaps into place.



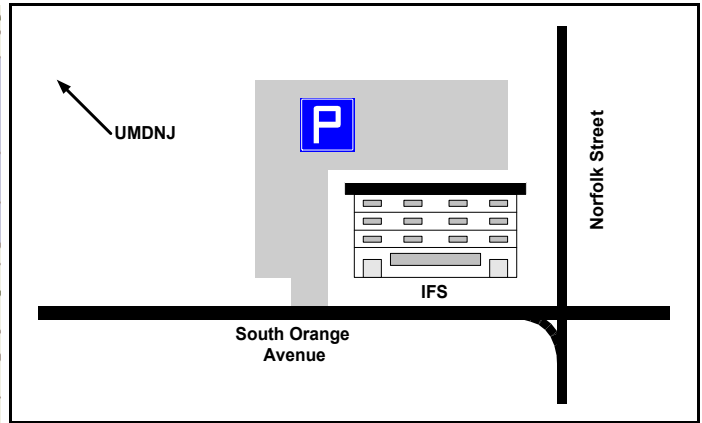
-
5. Monitor must check the temperature tape. A reading between 90° and 100° F is acceptable.



CAUTION: The DOX Specimen Container System when used in collecting human urine for drugs of abuse testing is intended for invitro diagnostic use or for professional use only. Human urine samples should be handled and processed as though they are potentially infectious.

ATTACHMENT D

Directions to



State Toxicology Laboratory
Edwin H. Albano Institute of Forensic Science (IFS)
325 Norfolk Street
Newark, New Jersey
973-648-3915

From Garden State Parkway North:

1. Take Exit 144, South Orange Avenue.
2. Make a right on South Orange Avenue.
3. Continue about 25 blocks to intersection at Bergen Street (UMDNJ campus is on left.)
4. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From Garden State Parkway South:

1. Take Exit 145, East Orange.
2. Take I-280 East to first exit (Newark).
3. Make a right on First Street. This becomes Bergen Street.
4. Continue to fifth traffic light at South Orange Avenue.
5. Make a left.
6. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From New Jersey Turnpike North:

1. Take Exit 14, Newark.
2. After toll plaza, take I-78 West (express or local).
3. Take Exit 56, Hillside Avenue.
4. Continue on Hillside Avenue to end at Avon Avenue.
5. Make left on Avon Avenue.
6. Continue one block to traffic light on Irvine Turner Blvd.
7. Make right on Irvine Turner Blvd. (which becomes Jones St.) and continue to traffic light at South Orange Avenue.
8. Turn left and enter first driveway on right behind two story brick building (IFS).

From New Jersey Turnpike South:

1. Take Exit 15W to I-280 West to Exit 14B, Clifton Avenue.
2. At the traffic light, make a left.
3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
4. Turn right and enter first driveway on right behind two story brick building (IFS).

