

# AVON-BY-THE-SEA POLICE DEPARTMENT STANDARD OPERATING PROCEDURES



**SUBJECT: LAW ENFORCEMENT DRUG TESTING**

**BY THE ORDER OF:**  
Chief of Police

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**PURPOSE:** The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised December 2020, the New Jersey Attorney General's Law Enforcement Directive No. 2018-2, and Monmouth County Prosecutor's Directive on Drug Testing, May 2018.

**POLICY:** The Avon-by-the-Sea Police Department shall adhere to the uniform policy and respective procedures for the implementation of mandatory drug testing in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised April 2018, the New Jersey Attorney General's Law Enforcement Directive No. 2018-2, and Monmouth County Prosecutor's Directive on Drug Testing, December 2017 and May 2018.

Law enforcement agencies have a legal responsibility and management obligation to ensure a drug free and safe work environment; as well as paramount interest in protecting the public by ensuring that its' employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment must be an employee who is free from drug dependence, illegal drug use or drug abuse. Also, liability could be found against the agency and the employee if we fail to address and ensure that employees can perform these duties without endangering themselves, other officers or the public. Finally, there is sufficient evidence to conclude that use of illegal drugs, drug dependence, and drug abuse seriously impairs an employee's performance and general physical and mental health, places fellow employees at risk, and causes the public to lose confidence in the police to properly perform their duties.

The Attorney General Guidelines mandate drug testing if reasonable suspicion exists. While the Attorney General's Guidelines on Drug Testing does not require law enforcement agencies to drug test applicants, nor does it require law enforcement agencies to implement a random drug testing program for sworn officers, such testing is a requirement for Monmouth County law enforcement agencies.

Whether it involves reasonable suspicion or random selection, a negative result is a condition of employment as a sworn officer and that a positive result will result in the officer's termination from employment, inclusion of the officer's name in the Central Drug Registry and the officer being permanently barred from future law enforcement employment in New Jersey.

This SOP is considered an annex to the rules and regulations of the police department.

## PROCEDURES:

### I. DEFINITIONS

- A. Applicant: A person who applies 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.
- B. Central Drug Registry: This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances delineated in this SOP, or the corresponding Attorney General Directive, are to be reported and recorded.
- C. Random Selection: Random selection shall be defined as a method of selection in which each and every sworn member of the agency (***excluding trainees in a police academy and sworn officers on extended sick/injury leave***), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this SOP, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
- D. Sworn Officer: Persons 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.
- E. Trainee: A person who is employed by the agency and is subject to the Police Training Act while they attend a mandatory basic training course.

### II. APPLICABILITY

- A. Applicants:
  - 1. This SOP recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested once a conditional offer of employment is made.
  - 2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. 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.
  - 3. 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.

B. Trainees:

1. Random - Trainees are 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 the rules & regulations established by the Police Training Commission (PTC).
2. Reasonable Suspicion - 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 of Police or the Academy Director.

C. Sworn Law Enforcement Officers:

1. Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
2. Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor or the Chief of Police of the officer's agency.
3. Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

### III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants - As part of the application process, the agency will notify applicants in writing that drug testing is part of the screening process and that a negative test result is a condition of employment. Additionally, the applicant will be advised in writing as to the ramifications of a positive test result or a refusal to submit a sample, which are:

1. The applicant being dropped from consideration for employment;
2. Cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
3. Preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test.

**Note:** Additionally, the notification shall 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.

- B. Trainees - All trainees shall be given written notice that drug testing will take place while he/she attends the basic police academy and that a negative test result is a condition of employment. This notice also informs the trainee of the ramifications of a positive test result or a refusal to submit a sample, which are:
  - 1. Trainee being dismissed from basic training; a
  - 2. Trainee being terminated from employment; and
  - 3. Inclusion of the trainee's name in the central drug registry maintained by the Division of State Police;
  - 4. The trainee being permanently barred from future law enforcement employment in New Jersey.
  
- C. Reasonable Suspicion Testing For Sworn Law Enforcement Officers
  - 1. Testing Required - Individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
    - a. 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."
    - b. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways.
      - 1) First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard.
      - 2) Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause."
      - 3) The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
        - a) The nature and source of the information;
        - b) Whether the information constitutes direct evidence or is hearsay in nature;
        - c) The reliability of the informant or source;
        - d) Whether corroborating information exists and the degree to which it corroborates the accusation; and

- e) Whether and to what extent the information may be stale.
2. Required Documentation - Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The Monmouth County Prosecutor or the Chief of Police of the agency 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. Negative Test Result Required for Employment - In accordance with this SOP, a negative result is a condition of employment.
  4. Refusal to Submit or a Positive Test Result - If the officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or produces a positive result from a drug test, the employee will be:
    - a. Terminated from employment;
    - b. Included in the Central Drug Registry maintained by the Division of State Police; and
    - c. Permanently barred from future law enforcement employment in New Jersey.
  4. In accordance with this SOP, officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. 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. Random CDS Testing For Sworn Law Enforcement Officers:
1. Random drug testing for law enforcement officers shall include:
    - a. Eligibility For Drug Testing: With few exceptions, all sworn members of the agency are eligible for random drug testing, regardless of rank or assignment. The method of random selection shall ensure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place. Officers who are on extended sick/injury leave and trainees in the police academy will be excluded from the agency random selection. (NOTE: Such reason for such exclusions shall be documented. Trainees are subject to the academy's drug screening process.) If selected when the officer is on vacation or sick, the urine specimen shall be collected upon return to work.
    - b. Frequency/Numbers To Be Tested: Drug testing shall occur bi-annually and shall consist of no less than 10% of the officer selected each time a random selection takes place. This can be expressed as

either a number of sworn officers or a percentage of sworn officers, which in every case shall be less than the total number of sworn officers employed by the agency.

- c. Monitoring The Selection Process: The Internal Affairs Officer (as designated by the Chief of Police) and a representative of New Jersey Police Benevolent Association Local 50 will attend the selection process. The Internal Affairs Officer will prepare the materials needed and will oversee the selection process.
  - 1) During the month of January, and July, the month of testing shall be selected for the upcoming half. This shall be accomplished by randomly drawing one number from a container with numbers one (1) through six (6) written on slips of folded paper. The number one (1) shall refer to the first month in the half, two (2) shall refer to the second month in the half and so on.
  - 2) The day of the month shall be selected in the same manner using numbers one (1) through thirty-one (31). If the number thirty-one (31) is drawn and the month has less than thirty-one (31) days, another number shall be drawn. If a number is drawn which reflects a day prior to the date on which the drawing of numbers is taking place, another number shall be drawn.
  - 3) The day and month so selected shall be the day during the half on which randomly selected officers shall be tested.
- d. Confidentiality Of Those To Be Tested: If any member of the 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 Department officially announcing same or prior to the collection of urine specimens is subject to discipline.
- e. Random Selection System:
  - 1) On the date the random testing date is selected for each half of the year (during the first week of January and July), each officer will be assigned a number correlating with their badge number as it is in the agency's hierarchy (101 assigned 1, 130 assigned 2, 156 assigned 3, 174 assigned 4 and so on). Each number will be written on a single slip of folded paper and placed in a container after which the Internal Affairs Officer will randomly draw one (1) folded slip which will determine the officer that will be tested.
  - 2) If an officer is selected and is scheduled to be off that day, they will be tested on the first day they return to work. However, if the officer selected is on vacation, on extended training, sick or on injury leave, they shall be deemed unavailable and another officer will be randomly selected.

- 3) The Internal Affairs Officer will record and maintain a file of the results of the selection process.
- f. System Of Collection Of Urine Specimens: An internal affairs officer shall collect urine specimens from selected officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
- g. Refusal To Participate In Random CDS Testing: Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, 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 shall be deemed to have refused to submit to the drug test.

#### IV. SPECIMEN ACQUISITION PROCEDURES

##### A. Applicants:

1. 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**). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.

##### B. Trainees:

1. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (**Attachment B**) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III B of this policy. 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 Drug Testing Medication Information form (**Attachment D**), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), dietary supplements, and nutritional supplements that were ingested in the past 14 days. The Drug Testing Medication Information form (**Attachment D**) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

##### C. Sworn Law Enforcement Officers:

1. Prior to the submission of a urine specimen, an officer shall execute a form (**Attachment C**) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing

positive. Sworn officers shall complete the Drug Testing Medication Information form (**Attachment D**) 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. The Drug Testing Medication Information form (**Attachment D**) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

D. Monitor Responsibilities

1. Designation of Monitor/Monitor's Responsibilities:

a. The Chief of Police or designee has authorized and designated the Internal Affairs Commander or designee to serve as monitor of the specimen acquisition process. The monitor shall always be the same sex as the individual being tested. In the event there is no member of the same sex available from the agency, the agency may request that a member of the same sex from another 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 (the donor).

b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of donor identification (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. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).

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 test process before there can be direct observation.

E. Specimen Collection

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.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
  - a. The specimen containers shall be kept closed/unsealed at this time.
  - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs 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.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
  - a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. 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.
  - b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section F. “Shy Bladder” Procedure below)
7. The monitor instructs the donor to split the collected specimen into the specimen containers.

- a. The donor opens both specimen containers and pours 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.
  - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.
- a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
  - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
  - c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
13. Any remaining urine and the specimen collection container may be discarded.
14. 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 (See Section V. Submission of Specimens to the Laboratory below).

F. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the

donor cannot produce a specimen.

- b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
  - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

G. 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 (1) 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 he/she wishes to challenge the positive test result.
4. A representative of the split 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. Laboratory to Conduct Analysis: 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. Time Constraints for Submitting Samples: Urine specimens should be submitted to the Laboratory (**Attachment E**) within one (1) working day of their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day of its collection, the agency shall store the specimen in a controlled access refrigerated storage area within the evidence/property room with access limited to the internal affairs officers until submission to the Laboratory. Although the Attorney General Guidelines authorize commercial couriers for the submission of specimens to the Laboratory, it is the policy of Monmouth County, that only agency personnel submit specimens. (appointments only)
- C. 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.
- D. 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 analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the 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 final reports.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - 1. Amphetamines;
  - 2. Barbiturates;
  - 3. Benzodiazepine;
  - 4. Cocaine;
  - 5. Marijuana/Cannabis;
  - 6. Methadone;
  - 7. Opiates;

8. Oxycodone/Oxymorphone;
  9. Phencyclidine.
- C. Steroids
1. Random Testing – The agency may at the request of the Chief of Police, test for steroids during their random drug testing program.
  2. Reasonable Suspicion Drug Testing - The testing for the presence of steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.
- D. The 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 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.
- E. 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.
- F. 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 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.
- G. In addition to the testing outlined above, specimens submitted to the Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The 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 substances.

## VII. CDS TEST RESULTS (NEGATIVE V. POSITIVE)

- 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 medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the 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.
- D. Consequences of a Positive Test Result
  - 1. Applicant - When an applicant tests positive for illegal drug use:
    - a. The applicant shall be immediately removed from consideration for employment by the department;
    - 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; and
    - 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. Trainee - When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
    - a. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority; and
    - b. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer, by the appointing authority; and
    - c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and

- d. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
  - 3. Sworn Law Enforcement Officer - When a sworn law enforcement officer tests positive for illegal drug use:
    - a. The officer shall be immediately suspended from all duties; and
    - b. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer;
    - c. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
    - d. The officer shall be permanently barred from future law enforcement employment in New Jersey.
- E. Consequences of a Refusal to Submit to a CDS Test
- 1. Applicants - 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 agency shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
  - 2. Trainee - 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.
  - 3. Sworn Law Enforcement Officer - 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 agency 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.
- F. Officer Who Resigns/Retires After Testing Positive or Refusing Test
- 1. 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 the agency to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

## **VIII. RECORD KEEPING**

### **A. Maintenance of Records**

1. The Internal Affairs Unit of each agency shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers. Said records shall be maintained with the same level of confidentiality and security required for internal affairs files pursuant to the Attorney General Guidelines on file security.

### **B. File Contents**

1. The drug testing records shall include but not be limited to:
  - 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 Laboratory;
  - f. The results of the drug testing;
  - g. Copies of notifications to the subject;
  - h. For any positive result, if applicable, documentation from the officer's physician that the 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.

## IX. CENTRAL DRUG REGISTRY

- A. Notification Required - 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 or refuses an order to submit a urine sample.
- B. Documentation Needed of Notification - Notifications to the Central Drug Registry occur by the employing agency completing Attachment F and sending it to:

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

- C. Access to Information Contained in the Central Registry - Access to this information in the registry is limited to:
  - 1. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
  - 2. In response to a court order.

## X. 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 Chief of Police or a designee shall provide a confidential written notice to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office **within 48 hours**. Upon completion of any disciplinary action, the Avon-by-the-Sea Police Department shall report the discipline to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office.
- B. By December 31st of each year, the Avon-by-the-Sea Police Department shall provide the Monmouth County Prosecutor's Office Mandatory Statewide Random Drug Testing Annual Report Form (**Attachment K**) to the Professional Responsibility Unit of the Monmouth County Prosecutor's Office 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.

## XI. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Avon-by-the-Sea Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section X, also shall be made available to the public upon request and shall be

posted on the agency website.

- B. All written reports created or submitted pursuant to this SOP that identify specific officers are confidential and not subject to public disclosure.