

MONROE TOWNSHIP POLICE DEPARTMENT
LAW ENFORCEMENT OFFICER DRUG TESTING
POLICY AND PROCEDURE

1.0 PURPOSE:

The purpose of this policy is to establish guidelines for the drug testing of Monroe Township Police personnel that are in compliance with the NJ Attorney General's Law Enforcement Drug Testing Policy and MCPO Directives.

2.0 POLICY:

It is the policy of the Monroe Township Police Department to conduct drug testing of sworn law enforcement officers, law enforcement officer trainees, and applicants for law enforcement offices employment in order to maintain professional standards of performance and to help ensure the trust of the community in those who enforce the law.

3.0 DEFINITIONS:

Central Drug Registry: This is the statewide database 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 General Order, or the corresponding A.G. Directive, are to be reported and recorded.

Law Enforcement Officer: Sworn law enforcement personnel 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 NJSA 2C:39-6.

Law Enforcement Officer Trainee: Personnel subject to Police Training Act while attending a mandatory base training course.

Applicants for Law Enforcement Officer Employment: Persons, 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 NJSA 2C:39-6.

Random Selection Process: Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement 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. (For purposes of this policy, "extended sick/injury leave" is defined as illness/injury in which the officer's return is

not anticipated for at least one (1) month from the date of the selection process. The rationale/justification for the exclusion shall be documented and placed in the corresponding file that documents all drug testing activities.)

Reasonable Suspicion: The reasonable suspicion standard is “less demanding” than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be “less reliable than that required to show probable cause.” The following factors should be evaluated to determine the quality and relevance of the information acquired by the Monroe Township Police Department:

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 information 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.

4.0 TYPES OF DRUG TESTING:

A. Applicants for Police Officer employment

1. Applicants shall be required to submit a urine specimen at any time prior to employment.
2. Applicants for employment may be tested as many times as the agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs.
3. 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. Law Enforcement Trainees

1. Trainee 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 shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief of Police/Police Director, or the Academy Director.

C. Sworn Law Enforcement Officers

1. Urine specimens shall be ordered from a sworn law enforcement officer when there exists reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief of Police/Police Director.
2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to drug testing.
3. Urine specimens may 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.

5.0 NOTIFICATION OF DRUG TESTING PROCEDURES:

A. Applicants for Law Enforcement Officer Employment

1. Applicants must be notified that the pre-employment process will include drug testing. The notification must 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 from Monroe Township Police 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 (2) 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 and the officer will be terminated from employment and be

permanently barred from future law enforcement employment in New Jersey.

Applicants shall be further advised that their refusal to submit a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

B. Law Enforcement Officer Trainees

1. All newly appointed law enforcement officer trainees 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: (1) the officer being dismissed from training; (2) the officer's termination from employment; (3) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and (3) 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 permanent ban from future law enforcement employment in New Jersey and inclusion of the officer's name in the central drug registry maintained by the Division of State Police.

C. Sworn Law Enforcement Officer: Reasonable Suspicion Testing

1. Individual Monroe Township Police Department Law enforcement officers will be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is engaged in the illegal use of controlled substances.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, a written report, which documents the basis for the reasonable suspicion, will be prepared. The report shall be reviewed by the County Prosecutor or the Chief of Police/Police Director before a reasonable suspicion test is ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. A negative drug test result is a condition of employment as a sworn officer. A positive drug test result will result in: (1) the officer's termination from employment; (2) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and (3) the officer being permanently barred from future law enforcement employment in New Jersey.

4. Monroe Township Police law enforcement 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 law enforcement officer who resigns or retires after receiving lawful order to submit a urine specimen for drug testing and does not provide the specimen shall be deemed to have refused to submit to the drug test.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn member of the Monroe Township Police Department are eligible for random drug testing, regardless of rank or assignment.
2. Ten percent of sworn Officers will be selected (Rounded up to the next whole number) each time random selection takes place. Random selection will take place two times per year on date chosen by the Chief of Police or Police Director. There will be no prior notice given of the dates of the selection process or the collection of the samples.
3. Officers will be selected for drug testing through the use of random computer software. A representative of the police bargaining unit(s) and member of the internal affairs unit will observe and participate in the selection process.
4. The selection process and the names of the officers selected will be documented in a written report prepared by the internal affairs unit. The report will be stored in the internal affairs unit.
5. Officers selected for random drug testing will be notified while on duty by the internal affairs unit member and required to submit a urine specimen at that time. The specimen acquisition process will be kept confidential.
6. Any member of the Monroe Township Police 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 up to and including termination.
7. Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs.
8. A law enforcement officer who resigns or retires after receiving lawful order to submit a urine specimen for drug testing and does not provide the specimen shall be deemed to have refused to submit to the drug test.

6.0 SPECIMEN ACQUISITION PROCEDURES:

A. Preliminary Acquisition Procedures

1. The Chief of Police/Police Director shall designate a monitor to oversee the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested. In the event that there is no monitor of the same gender available from the Monroe Township Police, a member of the same gender from another law enforcement agency, may be requested to 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. Individual specimens and forms shall be identified throughout the process by the use of the social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - 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 Monroe Township Police law enforcement officer employment shall execute a form consenting to the collection and analysis of his/her urine for illegal drugs (**Attachment A**). This form shall also advise the applicant that a negative result is a condition of employment and the consequences of a positive result (as outlined in section 5, paragraph A above). Applicants shall not complete a medical questionnaire (**Attachment D**) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not 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 Monroe Township Police Department receives a report indicating that the specimen tested positive for a controlled substance.
4. Prior to submission of a urine specimen, a Monroe Township Police Department law enforcement 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 with Monroe Township Police and of the

consequences of a positive result (as outlined in Section 5 paragraph B above). 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 D**), which clearly describes all medications, both prescription and over the counter (non-prescription), dietary supplements and nutritional supplements that were ingested in the past fourteen (14) days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

5. Prior to the submission of a urine specimen, sworn Monroe Township Police Department law enforcement officers shall execute a form (**Attachment C**) advising the officer that a negative result is a condition of employment with Monroe Township Police and of the consequences of a positive result (as outlined in Section 5 Paragraph C above). Sworn Law Enforcement Officers shall complete the Drug Testing Medication Information form (**Attachment D**), which clearly describes all medications, both prescription and over-the counter (non-prescription), dietary supplements and nutritional supplements that were ingested in the past fourteen (14) days. The Drug Testing Medication information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

B. Monitor's Responsibilities

1. Throughout the testing process, the identity of individual Monroe Township Police department applicants, trainees, sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers used in random selection process. 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. 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 by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
- d. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.

In order to ensure the accuracy and integrity of the collection process the monitor shall:

- a. Order 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. May add tinting agent to toilet water and secure the area where specimens are to be collected prior to specimen collection.
4. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate or contaminate the specimen, substitute another substance or liquid for their 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. If the monitor concludes that direct observation is necessary, he/she must immediately document the facts supporting the belief that an individual to be tested may adulterate a specimen or compromise the integrity of the test process and immediately forward same to the Chief of Police. The Chief of Police shall immediately review the documentation to determine if direct monitoring is warranted. The outcome of the review/actions taken shall be documented in a written report within seventy-two (72) hours of such action and the report made part of the respective file.

C. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor shall allow the donor to select two sealed specimen container kits.
3. The donor shall unseal both kits and remove the kit contents on a clean surface.
4. Using an ordinary pencil, the donor shall write his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and place the label inside one

of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as “bottle ‘A” and “first specimen”, respectively.

5. Using an ordinary pencil, the donor shall write his/her SSN and the letter “B” below the SSN on the second I.D. label, and place the label inside the second specimen container printed side out, thereby designating this bottle, and subsequent specimen, as bottle “B: and “second specimen”, respectively.
6. The monitor shall check that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor shall instruct the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
 - a. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (see section D “Shy Bladder” procedure below)
8. The monitor checks the specimen for adequate volume and temperature indicator on the specimen within 4 minutes. A color change between 90 degrees Fahrenheit and 100 degrees Fahrenheit indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the “Yes/No” column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. 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.
9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Section 7.0 Submission of Specimens for Analysis below).

D. “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 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 infirmity or constituted a refusal to cooperate with the drug testing process.

E. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The Monroe Township Police Department is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The Monroe Township Police Department notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The Monroe Township Police Department is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.

- a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the Monroe Township Police Department, and to the medical review officer.

7.0 SUBMISSION OF SPECIMENS FOR ANALYSIS:

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of the Monroe Township Police Department law enforcement drug tests. The Monroe Township Police Department is not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event that a specimen cannot be submitted to the laboratory within one working day of its collection, the Monroe Township Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory. The specimen shall be delivered to the lab within three (3) working days of its collection.
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by Monroe Township Police Department personnel only.
- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. 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 until the missing documentation is submitted.
- E. 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.
 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and

2. Notify the Monroe Township Police Department in writing with the reason for rejection clearly stated.

8.0 ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and issuance of test reports.
- B. 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 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.
- C. In the event 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 with the specimen to determine whether any substance listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the specimen 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.
- D. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. Amphetamines;
 - b. Barbiturates;

- c. Benzodiazepines;
 - d. Marijuana;
 - e. Cocaine;
 - f. Methadone;
 - g. Oxycodone/Oxymorphone;
 - h. Phencyclidine; and
 - i. Opiates.
- E. Every law enforcement executive may request that one or more specimens be analyzed for the presence of steroids.
- F. The testing for steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.
- G. 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 Monroe Township Police Department, 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 Monroe Township Police Department shall transmit the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- H. 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 Monroe Township Police Department. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

9.0 DRUG TEST RESULTS:

- A. 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 submission. Reports will be addressed to the contact person listed on the specimen submission records. Positive test results will be sent to the contact person by certified mail.

- B. 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 rest 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. The Monroe Township Police Department must 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.
- C. Under no circumstances will the State Toxicology Laboratory provide the Monroe Township Police Department with verbal reports of drug test results.
- D. Negative Test Result: The Monroe Township Police Department shall generate a letter indicating the results were indeed negative, attach a copy of the lab report to the letter, place it in an envelope and seal it. The sealed envelope will then be delivered to the employee who was tested.
- E. Positive Test Result: The Monroe Township Police Department shall notify the applicant, trainee, or sworn officer of the results of the positive test 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.
- F. Under no circumstances may the Monroe Township Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be retested.

10.0 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 Monroe Township Police Department.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the Monroe Township Police Department.
 - 3. The applicant shall be permanently barred from consideration for future law enforcement employment in the State of New Jersey for a period of two years.
 - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the Monroe Township Police Department shall notify the officer's current employer of the positive test results. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his/her name to the Central Drug Registry maintained by the Division of State Police.

- 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 the Monroe Township Police Department.
 2. The trainee shall be terminated from employment as a law enforcement officer upon final disciplinary action by the Monroe Township Police Department.
 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
 4. The trainee shall be permanently barred from future Monroe Township Police Department law enforcement employment.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all law enforcement duties by the Monroe Township Police Department pending a disciplinary hearing. In cases involving testing of the second specimen, the disciplinary hearing will not be held until the department receives the results of the second specimen test.
 2. The officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Monroe Township Police Department.
 3. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police by the Monroe Township Police Department; and
 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

11.0 CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST:

- A. Applicants for Monroe Township Police Department law enforcement officer employment who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement officer employment and permanently barred from consideration for future law enforcement officer employment in the state of New Jersey for a period of two years. In addition, the Monroe 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. Monroe Township Police Department law enforcement officer 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 Monroe Township Police Department law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the Monroe 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. Monroe Township Police Department 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 Monroe 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. 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.

12.0 CONSEQUENCES OF A POSITIVE TEST RESULT FOR A DRUG TEST:

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

13.0 RECORD KEEPING:

- A. The Monroe Township Police Department Internal Affairs Division shall maintain all records relating to the drug testing of Monroe Township Police Department applicants, trainees and law enforcement officers. Said records shall be maintained with the level of confidentiality and security required for internal affairs file pursuant to the A.G. guidelines on file security.
- B. Monroe Township Police Department drug testing records shall include, but not 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 name of 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;
 - h. For any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - 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. A listing of all those individuals who were designated to be present during the selection process.
 - c. The date selection was made
 - d. Document listing the identities of those selected for drug testing
 - e. A list of those who were actually tested
 - f. 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 New Jersey Internal Affairs Policy and Procedures.

14.0 CENTRAL DRUG REGISTRY:

- A. The Monroe Township Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of the officer applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit a urine sample.
- B. Notifications to the Central Drug Registry shall include the following information regarding each individual:
1. Name and address of the submitting agency, and contact person;
 2. Name of the individual who tested positive
 3. Last known address of the individual
 4. Date of birth
 5. Social security number
 6. SBI number (if 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 dismissal from the agency, and
 13. Whether the individual was an applicant, trainee or sworn law enforcement officer
- C. The certification section of the notification form must be completed by the Chief of Police and notarized with a raised seal.
- D. Notification to the Central Registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry
P. O. Box 7068

W. Trenton, NJ 08628-0068

- E. Information contained in the central registry may be release 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; or
 2. In response to a court order.

15.0 NOTIFICATIONS TO THE MCPO:

- A. In the event of a positive drug test, a refusal by a law enforcement officer to take a drug test, or the administration of a reasonable suspicion drug test, the Chief of Police shall provide a confidential written notification to the County Prosecutor or his/her designee within ten (10) days of the positive drug test, a refusal by a law enforcement officer to take a drug test, or the administration of a reasonable suspicion drug test.
- B. Upon completion of any disciplinary action associated with a positive drug test, a refusal by a law enforcement officer to take a drug test, or the administration of a reasonable suspicion drug test, the MTPD shall report the discipline to the County Prosecutor or his/her designee.
- C. By the 31st of December of each calendar year, the Monroe Township Police Department shall submit a summary of the drug testing program via the MCPO "Annual Report of Drug Testing by Middlesex County Law Enforcement."

16.0 PUBLIC ACCESSIBILITY:

- A. The agency drug testing policy as well as the annual summary report submitted to the MCPO 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 policy that identify specific employees are confidential and not subject to public disclosure.