

MADISON POLICE DEPARTMENT POLICY & PROCEDURES



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SUBJECT: LAW ENFORCEMENT DRUG TESTING

BY THE ORDER OF:

Chief of Police John R. Miscia

ACCREDITATION STANDARDS:

1.3.3

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August 30, 2021

PURPOSE: The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised December 2020, and New Jersey Attorney General's Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees of the agency's drug testing policy.

POLICY: It shall be the policy of the Madison Police Department to conduct reasonable suspicion and random drug testing of applicable employees contained in Section I of this policy.

This written directive is considered an annex to the Rules and Regulations of the Madison Police Department.

PROCEDURES:

I. APPLICABILITY

- A. This policy applies to:
1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6. This policy does not mandate a required drug test for applicants.
 2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
 3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

II. TYPES OF DRUG TESTING

- A. Applicants for Law Enforcement Officer Position
1. This written directive recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
 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. Law Enforcement Trainees
1. 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. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. 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.
 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 executive officer of the trainee's agency, 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 executive officer 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

1. The Madison Police shall notify all applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:
 - a. result in the applicant being dropped from consideration for employment; and
 - b. cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
 - c. preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a

positive result will result in:

- a. upon final disciplinary action, the officer's termination from employment; and
 - b. inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and
 - c. the officer being permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.
 3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. In accordance with this written directive, individual sworn officers of the Madison Police Department, to include any special law enforcement officers (SLEOs) will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the internal affairs commander or internal affairs investigator shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or the Chief of Police of the police department 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. In accordance with this written directive, a negative result is a condition of employment as a sworn officer and that a positive result will result in: a) upon final disciplinary action, the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
4. In accordance with this written directive, 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. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn officers of the Madison Police Department, to include any special law enforcement officers (SLEOs) are eligible for random drug testing, regardless of rank and assignment.

2. At least ten percent 10% of the total number of sworn officers within the Madison Police Department shall be randomly tested each time.
3. Random drug testing shall be conducted at least twice every calendar year.
4. The method of random selection shall ensure that every probationary or sworn officer in the Madison Police Department has an equal chance to be selected for testing each and every time a selection takes place, regardless of rank.
5. The selection process will be verified and documented in writing by the Chief of Police or his/her designee and the report will be maintained in the confidential internal affairs files.
6. Should a randomly selected officer be unavailable on the date selected, the following shall apply:
 - a. Officers will be notified while on duty by the Chief of Police or his designee and required to submit a urine specimen at that time, during a confidential specimen acquisition process.
 - b. An officer shall be tested on the earliest time available after he or she returns to work.
7. Any member of the Madison Police Department who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens is subject to discipline.
8. The collection method for specimens shall be done in a prompt, efficient and confidential manner, as required by Attorney General Guidelines.
9. 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.
10. 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.
11. Any officer who tampers with his/her specimen will be treated in the same manner as if the officer tested positive for the illegal use of drugs.
12. Any officer who tampers with specimen of another officer shall be disciplined.

IV. PRELIMINARY SPECIMEN ACQUISITION PROCEDURES

A. SWORN LAW ENFORCEMENT OFFICER:

1. The Chief of Police shall designate a sworn officer of the same sex as the person tested, to serve as the monitor of the specimen acquisition process.

2. A civilian may serve as a temporary monitor if no sworn member is available of the same sex. The temporary monitor will not take possession of the specimen, however they will observe the acquisition and sample until it is turned over to the monitor.
3. In the event there is no member of the same sex available to serve as a monitor, the Chief of Police may request that a member of the same sex from another law enforcement agency to serve as a temporary monitor of the process, assisting the monitor in the collection of the required specimen.
4. Prior to the submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire (Attachment B), 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.

B. APPLICANT:

1. Applicants for a law enforcement position, prior to the submission of a specimen, 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 negative result is a condition of employment and that positive result will:
 - a. Result in the applicant being dropped from consideration for employment; and
 - b. Cause the applicants name to be reported the central drug registry maintain by the Division of State Police; and
 - c. Preclude the applicant from being considered for future law enforcement employment for a period of two years.
2. Applicants for a law enforcement position 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 Laboratory for analysis, the Madison Police Department receives a report indicating that the specimen tested positive for a controlled substance.

C. TRAINEE:

1. Trainees enrolled in a basic police training course, prior to the submission of a specimen, shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will:
 - a. Result in the trainee being dismissed from basic training; and
 - b. Cause the trainee to be dismissed from employment as a law

enforcement officer by his or her appointing authority; and

- c. Cause the trainee's name to be reported to the central drug registry maintained by the Division of State Police; and
 - c. Cause the trainee to be permanently barred from future law enforcement employment in New Jersey.
2. Trainees shall also complete a medical questionnaire (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.

V. MONITOR RESPONSIBILITIES

- A. The monitor of the specimen acquisition process shall be responsible for:
 1. The monitor will complete a 'Drug Monitor Checklist' prior to conducting a specimen collection.
 2. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 3. 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.
 4. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
 5. 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).
 6. Collecting and submitting urine specimens in accordance with procedures established by the laboratory.
- B. In order to ensure the accuracy and integrity of the collection process a monitor may:
 1. 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.
 2. Add tinting agents to toilet water and secure the area where the specimens

are to be collected prior to specimen collection.

- C. 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.

VI. SELECTION PROCESS

- A. The Chief of Police will request a representative of the collective bargaining unit and the internal affairs commander or investigator to his office to begin the selection process.
- B. A tumbler containing balls labeled with random letters/numbers will be prepared with the exact number of balls for the exact number of eligible officers.
- C. The Chief of Police will designate each eligible sworn member of the agency with a random letter/number for the current selection process, which will correspond to labeled balls in the tumbler. Only the Chief of Police will view the list during this process.
- D. The representative of the collective bargaining unit will spin the tumbler, containing the randomly selected lettered & numbered balls and discharge the exact number of balls for the exact number of officers tested, as indicated by the Chief of Police.
- E. If an additional ball(s) is inadvertently discharged, it will be ignored and returned to the tumbler.
- F. A member on suspension, administrative or medical leave will not be subject to the random selection process.
- G. Throughout the test process, the identity of individual applicants, trainees and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.

VII. SPECIMEN COLLECTION

- A. Specimens will be collected utilizing equipment and supplies approved by the Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the Laboratory.
- B. Unused specimen containers will be stored in the office of the Chief of Police.
- C. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
- D. The monitor completes the agency information, donor identification, and test

information sections of the Custody and Submission Form (CSF).

- E. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
- F. 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.
 - 1. The specimen containers shall be kept closed/unsealed at this time.
 - 2. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- G. 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.
- H. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
 - 1. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor 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.
 - 2. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section Q. “Shy Bladder” Procedure below)
- I. The monitor instructs the donor to split the collected specimen into the specimen containers.
 - 1. 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.
 - 2. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
- J. The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.
 - 1. 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).
 - 2. 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).

3. 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.
- K. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
- L. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
- M. 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.
- N. 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.
- O. Any remaining urine and the specimen collection container may be discarded.
- P. 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 VIII. Submission of Specimens to the Laboratory below).
- Q. "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.
- R. 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.
- S. Individuals will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
- T. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
- U. All specimens will be entered into the bar coded evidence analysis statistics and tracking (BEAST) software used by the Madison Police Department for evidence/property management.
1. When submitting the sample, the evidence/property custodian shall indicate the transfer of custody in the BEAST system and on the BEAST-generated evidence submission.

VIII. SUBMISSION OF SPECIMENS TO THE LABORATORY

- A. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. No other facility or laboratory for the purpose of analyzing urine

specimens for illegal drug use by law enforcement officers shall be utilized.

- B. Urine specimens should be submitted to the Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the specimen shall be stored in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 - 1. Submission and transportation of specimens to the Laboratory will be accomplished by personnel assigned by the Chief of Police. (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 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 submitting agency in writing with the reason for rejection clearly stated

IX. 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. In addition to the controlled substances listed below, the Madison Police Department shall request that specimens be analyzed for the presence of steroids. The steroid test shall be for an additional cost to the Department.
- 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. 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.
- D. 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.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the 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.

X. DRUG TEST RESULTS

- A. The Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the Laboratory will report that a specimen tested positive for a particular substance and that the information on the 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.

XI. 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 department.
 - 2. 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.
 - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - 4. 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.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
 - 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer by the appointing authority.
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
 - 1. The officer shall be immediately suspended from all duties.
 - 2. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer.

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

XII. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, 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.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment 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.
- C. 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.
- D. 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.

XIII. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

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

XIV. RECORD KEEPING

- A. The Madison Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. The Madison Police Department's drug testing records shall include but not be

limited to:

1. For all drug testing:
 - a. the identity of those ordered to submit urine samples;
 - b. the reason for that order;
 - c. the date the urine was collected;
 - d. the monitor of the collection process;
 - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the 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. the date selection was made;
 - c. a copy of the document listing the identities of those selected for drug testing;
 - d. a list of those who were actually tested; and
 - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XV. CENTRAL DRUG REGISTRY

- A. The Madison Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment F.
- B. Notifications to the Central Drug Registry shall include the following information as

to each individual:

1. name and address of the submitting agency, and contact person;
 2. name of the individual who tested positive;
 3. last known address of the individual;
 4. date of birth;
 5. social security number;
 6. SBI number (if known);
 7. Gender
 8. Race
 9. Eye color
 10. substance the individual tested positive for, 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.
- C. The certification section of the notification form must be completed by the chief of police, and notarized with a raised seal.
- D. Notifications to the central registry shall be sent to:
- Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068
- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
 2. In response to a court order.

XVI. 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 Morris County Prosecutor's Office Professional Standards Unit within 24 hours. Upon completion of any disciplinary action, the Madison Police Department shall report the discipline to the County Prosecutor or designee.

- B. The Madison Police Department shall provide written notice to the County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XVII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Madison Police Department Drug Testing Policy 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 written directive that identify specific officers are confidential and not subject to public disclosure.