

ASBURY PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



DRUG TESTING

BY THE ORDER OF:
DEPUTY CHIEF DAVID KELSO

OF PAGES: 16

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ACCREDITATION STANDARDS:

PURPOSE: The purpose of this policy is to establish guidelines for drug testing of **Asbury Park Police personnel** that are in full compliance with New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised April 2018, New Jersey Attorney General's Law Enforcement Directive No. 2018-2, and Monmouth County Prosecutor's Directive on Drug Testing, May 2018.

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

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

PROCEDURE:

I. DEFINITIONS:

- A. **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.
- B. **Law Enforcement Officer Trainee:** Personnel subject to the Police Training Act while attending a mandatory basic training course.
- C. **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.
- D. **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, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (Trainees in a police academy and sworn officers on extended sick or injury leave shall be excluded).
- E. **Reasonable Suspicion:** That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs while on or off-duty.
- F. **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 officers who test positive for any of the substances delineated in SOP or the Attorney General Directive / Guideline are to be reported and recorded.

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 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 or a refusal to submit a sample will: (1) result in the applicant being dropped from consideration from **Asbury Park Police Department** employment; (2) cause the applicant's name to be reported to the Central Drug Registry maintained by the Division

of State Police; and (3) bar the applicant from being considered for law enforcement employment in the State of New Jersey for a period of two years.

2. 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.

B. Law Enforcement Officer Trainees

1. All newly appointed law enforcement officer trainees shall be informed that drug testing is mandatory during basic police academy 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'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.
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.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. Individual **Asbury Park law enforcement officers** will be ordered to submit to a drug test when there is 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, a written report which documents the basis for the reasonable suspicion will be prepared. The report shall be reviewed by the Monmouth County Prosecutor or the Chief of Police 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. **Asbury Park 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.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn members of the **Asbury Park Police Department** eligible for random drug testing, regardless of rank or assignment. **No less than 10%** of sworn officers will be selected each time random selection takes place. Random selection will take place at a minimum of two (2) times per year with each date being a minimum of the three months apart. The date(s) to be chosen by the Chief of Police or his / her designee.
2. There will be no prior notice given of the dates of the selection process or the collection of the samples.
3. Internal Affairs will select Officers for drug testing through the use of **Randomware Software**. A representative of the police bargaining unit may request in writing to be present and observe the selection process. All selections will be done using the employees' personal identification numbers and all persons aware of the selection process are bound to secrecy with regards to any information concerning the selections. This secrecy mandate extends to the fact there was a selection, the dates of the selection and the personal identification numbers selected. No names shall be used or know during the selection process. Once the selection process is completed, the internal affairs officer will determine the names of the officers selected. The bargaining unit will not be privileged to receive this information.
4. The selection process and the names of the officers selected will be documented in a written report prepared by the internal affairs officer. The report will be stored in the Internal Affairs File. Testing must be completed within 72 hours from the time of the selection.
5. Officers selected for random drug testing will be notified while on duty by the Internal Affairs Officer and be required to submit a urine specimen at that time. The specimen acquisition process will be kept confidential.
6. Any member of the **Asbury Park Police Department** who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline 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 system to 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.
9. 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.

10. The knowing tampering with or alteration of a urine sample by adulteration or dilution will be treated in the same manner as if the officer tested positive for the illegal use of drugs. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

IV. SPECIMEN ACQUISITION PROCEDURES:

A. Preliminary Acquisition Procedures

1. The Chief of Police shall designate a supervisor to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event that there is no supervisor of the same sex available from the Asbury Park Police Department, a supervisor or command level officer from another law enforcement agency may be requested to serve as monitor of the process.
2. Prior to the submission of a specimen, an applicant for **Asbury Park 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 that a positive result will result in the consequences outlined in Section III A of this policy. Applicants shall not complete a Drug Testing Medication Information form (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 **Asbury Park Police Department** receives a report indicating that the specimen tested positive for a controlled substance.
3. 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), that were ingested in the past 14 days.
4. 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.

5. 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.

B. Monitor Responsibilities

1. 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 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 by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
 - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology 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.

C. Specimen Collection

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit contents on a clean surface.
4. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places 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. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs 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 each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F 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 to 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 V. 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 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.

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 result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The agency is notified by the State Toxicology 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. 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 submitting agency, and to the medical review officer.

V. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The State 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. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event that a specimen cannot be submitted to the laboratory within one working day of its collection, the **Asbury Park Police Department** shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 1. Submission of specimens to the **State Toxicology Laboratory** shall be accomplished by the **Asbury Park Police Department** internal affairs personnel.
- C. 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 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.

VI. 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 the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.

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

- F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VII. 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 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 State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and 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 State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

VIII. 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.

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

- A. **Applicants for Asbury Park 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 **Asbury Park 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. **Asbury Park 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 the **Asbury Park Police Department** law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the **Asbury Park 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.
- C. **Asbury Park 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 without pay. 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 **Asbury Park 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. 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.

X. 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.

XI. RECORD KEEPING

- A. The **Asbury Park Police Department** Internal Affairs Officer shall maintain all records relating to the drug testing of the **Asbury Park Police Department** applicants, trainees, and law enforcement officers.
- B. **Asbury Park Police Department** 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 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 copies of notifications to the subject
 - 2. For any positive result and if applicable, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty for any positive result or refusal, appropriate documentation of disciplinary action.
- 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.***
 - 1. Random Drug Testing shall also include in the file the following information:
 - a. a description of the process used to randomly select officers for drug testing;

- b. the date the selections were made, a copy of the document listing the identities of those selected for drug testing;
- c. a list of those who were actually tested; and
- d. the date(s) those officers were tested.

XII. CENTRAL DRUG REGISTRY

- A. The **Asbury Park 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. on the form prescribed in Attachment F.
- B. Notifications to the **Central Drug Registry** shall include the following information regarding each individual:
 - a. name and address of the submitting agency
 - b. name of the individual who tested positive
 - c. last known address of the individual
 - d. date of birth
 - e. social security number
 - f. SBI number (if applicable)
 - g. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample
 - h. date of dismissal from the agency, and
 - i. whether the individual was an applicant, trainee, or sworn law enforcement officer
- C. Notifications to the Central Drug Registry shall be sent to:

Records & Identification Section Division of State Police
P.O. Box 7068
W. Trenton, NJ 08628

XIII. 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 Asbury Park 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 Asbury Park Police Department shall provide written notice 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.

XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Asbury Park 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 XIII, 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 written directive that identify specific officers are confidential and not subject to public disclosure.