

**WESTFIELD POLICE DEPARTMENT#  
STANDARD OPERATING PROCEDURE**

**LAW ENFORCEMENT DRUG TESTING**



BY THE ORDER OF:

# OF PAGES: 20

**Chief Christopher Battiloro**

EFFECTIVE DATE:

April 3, 2020

ACCREDITATION STANDARDS: 1.3.3

**PURPOSE:** The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised April 2018, 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 SOP.

**POLICY:** In accordance with those directives promulgated by the Attorney General of the State of New Jersey, and in keeping with its responsibility of serving and maintaining the public's trust, the Westfield Police Department does hereby establish a drug testing program designed to detect illegal drug use by law enforcement applicants, law enforcement trainees and sworn law enforcement officers.

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

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

## PROCEDURE:

### 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;
  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, to include all full-time Class II Special 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.
- B. Employment Status: Drug testing shall be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These categories and methods shall include the following:
1. Law Enforcement Applicant Drug Testing
    - a. Law enforcement applicants may be drug tested at any point during the pre-employment process.
    - b. Law enforcement applicants may be drug tested as many times as deemed necessary to ensure they are not engaged in the illegal use of drugs. *(For example, applicants for employment who have been drug tested as part of the application process may be drug tested again if a significant amount of time has elapsed since the previous step in the pre-employment process.)*
    - c. During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information form (Attachment D)* shall be used during the pre-employment process, unless a positive drug test result requires an explanation.
  2. Law Enforcement Trainee Drug Testing
    - a. Law enforcement trainees who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission shall be subject to drug testing during their attendance at a police academy.
    - b. Law Enforcement trainees shall be required to submit one or more urine specimens for drug testing while they attend a mandatory basic training course.

- c. The drug testing of law enforcement trainees shall be conducted by police academy staff pursuant to rules and regulations adopted by the Police Training Commission.
- d. An individual law enforcement trainee shall also be required to submit to drug testing when there exists reasonable suspicion to believe that he or she is illegally using drugs. A law enforcement trainee shall be ordered to submit to a reasonable suspicion drug test only with the approval of the county prosecutor, the Chief of Police or the police academy director.

3. Sworn Law Enforcement Officer Drug Testing

- a. Sworn law enforcement officers shall be ordered to submit to drug 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 department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection is conducted.
- b. An individual sworn law enforcement officer shall also be required to submit to drug testing when there exists reasonable suspicion to believe that he or she is illegally using drugs. A sworn law enforcement officer shall be ordered to submit to a reasonable suspicion drug test based on reasonable suspicion only with the approval of the county prosecutor or the Chief of Police.
- c. Urine specimens may be collected from sworn law enforcement officers during any regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these urine specimens are not governed by this SOP.

C. Types of Drug Testing

1. Random Drug Testing

- a. Random drug testing of all state, county and local sworn law enforcement officers is required by *Attorney General Law Enforcement Directive 2018-2*. Random selection shall be defined as a method of selection in which each and every sworn member of the department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection is conducted.
  - 1) The number of sworn law enforcement officers to be selected each time a random drug test is conducted shall be less than the total number of sworn officers employed by the department.
  - 2) A minimum of ten (10) percent of the sworn law enforcement officers within the department shall be drug tested each time a random drug test is conducted. The

determination to drug test more than ten (10) percent of the sworn law enforcement officers within the department shall be at the discretion of the Chief of Police.

- 3) Random drug testing shall be conducted at least twice every calendar year.
  - 4) Random drug testing shall not be implemented until this SOP has been in effect for a minimum of sixty (60) days.
- b. A method of random selection shall be chosen which ensures that every sworn law enforcement officer in the department, regardless of rank or assignment, has an equal chance of being selected each and every time a random selection takes place. A sworn law enforcement officer who has been selected on one or more previous occasions for random drug testing shall not be excused from future random drug tests.
- c. The random selection process should be verified and documented. Therefore, a representative of each collective negotiating unit representing sworn law enforcement officers shall be permitted to witness the random selection process.
- 1) The random selection process shall not be delayed or postponed due to the tardiness or unavailability of any collective bargaining unit representative.
  - 2) Any member of this department who discloses the identity of a sworn law enforcement officer selected for random drug testing or the fact that a random drug test is scheduled to take place prior to the collection of urine specimens shall be subject to disciplinary action, up to and including that member's dismissal from service.
- d. If a sworn law enforcement officer is randomly selected for drug testing, but has been scheduled off due to a long term illness, injury and/or other approved leave, the Chief of Police may excuse him or her from that particular random drug test only, if he reasonably believes that said officer is not likely to return to duty prior to the end of the calendar year. In such instances, another sworn law enforcement officer shall be randomly selected for drug testing in order to meet the minimum random drug testing requirements set forth by *Attorney General Law Enforcement Directive 2018-2* and this SOP.

## 2. Reasonable Suspicion Drug Testing

- a. Drug testing shall be conducted whenever there is reasonable suspicion to believe that a sworn law enforcement officer is engaged in the illegal use of drugs.
  - 1) Reasonable suspicion *"requires objective facts which, with inferences, would lead a reasonable person to conclude*

*that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity."*

- 2) 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 which is 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."*
- 3) The following factors should be evaluated to determine the quality and relevance of the information acquired:
  - a) The nature and source of the information;
  - b) Whether the information constitutes direct evidence or is hearsay in nature;
  - c) The reliability of the informant or source;
  - d) Whether corroborating information exists and the degree to which it corroborates the accusation; and:
  - e) Whether and to what extent the information may be stale.
- 4) Before a sworn law enforcement officer may be ordered to undergo reasonable suspicion drug testing, a written report shall be prepared and presented to the Chief of Police documenting the basis for the drug test. Under emergent circumstances, approval to conduct a reasonable suspicion drug test may be given on the basis of a verbal report.

#### D. Notification of Drug Testing Procedures

##### 1. Law Enforcement Applicants

- a. Law enforcement applicants shall be informed that the pre-employment process shall include drug testing. Law enforcement applicants shall also be informed that a negative drug test result is a condition of employment and that a positive drug test result shall cause the following:
  - 1) The law enforcement applicant being removed from consideration for law enforcement employment;
  - 2) The law enforcement applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police; and;

3) The law enforcement applicant from being removed from consideration for future law enforcement employment in New Jersey for a period of two (2) years from the date of the drug test.

b. Law enforcement applicants shall be informed that if they are currently employed by another agency as a sworn law enforcement officer and test positive for illegal drug use, their employing agency shall be notified of the positive drug test result and they shall be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

c. Law enforcement applicants shall be informed that refusal to submit to drug testing shall result in the same penalties as if they tested positive for illegal drug use.

## 2. Law Enforcement Trainees

a. Law enforcement trainees shall be informed that drug testing is mandatory during basic training. Law enforcement trainees shall also be informed that a negative test result is a condition of employment and that a positive test result shall cause the following:

1) The law enforcement trainee being dismissed from mandatory basic training;

2) The law enforcement trainee's termination from employment;

3) The law enforcement trainee's name to be reported to the Central Drug Registry maintained by the Division of State Police; and:

4) The law enforcement trainee being permanently barred from future law enforcement employment in New Jersey.

b. Law enforcement trainees shall be informed that refusal to submit to drug testing shall result in the same penalties as if they tested positive for illegal drug use.

c. Each police academy shall include in its rules and regulations a provision implementing drug testing during mandatory basic training.

## 3. Sworn Law Enforcement Officers

a. Individual sworn law enforcement officers shall be ordered to submit to a drug test whenever there is reasonable suspicion to believe that he or she is illegally using drugs, as well as when they are subject to mandatory random drug testing pursuant to this SOP.

- b. By issuance of this SOP, all sworn law enforcement officers are hereby informed that a negative test result is a condition of employment and that a positive test result shall cause the following:
  - 1) The sworn law enforcement officer's termination from employment;
  - 2) The sworn law enforcement officer's name to be reported to the Central Drug Registry maintained by the Division of State Police; and:
  - 3) The sworn law enforcement officer being permanently barred from future law enforcement employment in New Jersey.
- c. Sworn law enforcement officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so shall be subject to the same penalties as those sworn law enforcement officers who test positive for the illegal use of drugs.
- d. Any 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 urine specimen shall be deemed to have refused to submit to the drug test.

E. Urine Specimen Acquisition Procedures

1. Preliminary Urine Specimen Acquisition Procedures

- a. The Internal Affairs Unit Supervisor shall designate a member of its staff to serve as the official monitor of the urine specimen acquisition process. The Internal Affairs Supervisor may designate another member of the department as an assistant. The official monitor shall always be of the same gender as the individual being tested. In the event there is no member of the same gender available to serve as official monitor, a member of the same gender from another law enforcement agency may be requested to serve as the official monitor.
- b. Prior to the submission of a urine specimen, a law enforcement applicant shall complete a form (*Attachment A*) consenting to the collection and analysis of his or urine for drug testing. The completion of this form shall be witnessed by the Internal Affairs Supervisor and/or his/her designee.
  - 1) The form shall advise the law enforcement applicant that a negative test result is a condition of employment and that a positive test result shall cause the penalties as delineated in *Section D, 1* above.

- 2) During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information* form (*Attachment D*) shall be used during the pre-employment process, unless a positive test result requires an explanation.
- c. Prior to the submission of a urine specimen for analysis, a law enforcement trainee enrolled in a basic training course shall complete the following:
- 1) A form (*Attachment B*) advising the law enforcement trainee that a negative test result is a condition of employment and that a positive test result shall cause the penalties as delineated in *Section D, 2* above. The completion of this form shall be witnessed by the Internal Affairs Supervisor, and/or his/her designee.
  - 2) The form shall also advise the law enforcement trainee that refusal to participate in the drug testing process shall cause the same penalties as testing positive for the illegal drug use.
  - 3) The law enforcement trainee shall complete a *Drug Testing Medication Information* form (*Attachment D*) listing all prescription medication, non-prescription (*over-the-counter*) medication, dietary supplements and nutritional supplements ingested during the past fourteen (*14*) days. This form shall be placed in an envelope and sealed by the trainee donor. The trainee donor shall also date and initial the seal on the envelope.
- d. Prior to the submission of a urine specimen for analysis, a sworn law enforcement officer shall complete the following:
- 1) A form (*Attachment C*) advising the sworn law enforcement officer that a negative test result is a condition of employment and that a positive test result shall result shall cause the penalties as delineated in *Section D, 3* above. The form shall also advise the sworn law enforcement officer that refusal to participate in the drug test process carries the same penalties as testing positive for illegal drug use. The completion of this form shall be witnessed by the Internal Affairs Supervisor, and/or his/her designee.
  - 2) The sworn law enforcement officer shall complete a *Drug Testing Medication Information* form (*Attachment D*) listing all prescription medication, non-prescription (*over-the-counter*) medication, dietary supplements and nutritional supplements ingested during the past fourteen (*14*) days. The *Drug Testing Medication Information* form (*Attachment D*) shall be placed in an envelope and sealed by the donor

officer. The donor officer shall also date and initial the seal the envelope.

F. Official Monitor's Responsibilities

1. The official monitor of the urine specimen acquisition process shall be responsible for the following:
  - a. Ensuring that all accompanying documentation is fully and accurately completed by the individual submitting the urine specimen.
  - b. Collecting urine specimens in a manner that provides for individual privacy while ensuring the integrity of the urine specimen. Individual urine specimens and accompanying documentation shall be identified throughout the drug testing process by the use of social security numbers only. At no time shall an individual's name appear on any document or urine specimen collection container sent to the State Toxicology Laboratory for analysis.
  - c. Complying with the chain of custody procedures established by the State Toxicology Laboratory for the collection and submission urine specimens for analysis.
  - d. Urine specimens shall be collected utilizing only equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a urine specimen be collected and submitted for analysis in a urine specimen collection container that has not been approved for use by the State Toxicology Laboratory.
  - e. Collecting and submitting urine specimens in accordance with those procedures established by the State Toxicology Laboratory.
2. In order to ensure the accuracy and integrity of the urine specimen collection process, the official monitor may:
  - a. Direct an individual who has been selected for drug testing to remove any outer clothing (*jackets, sweaters etc.*), empty his or her pockets and wash his or her hands under running water before producing a urine specimen.
  - b. Add tinting agents to toilet water and secure the area where the urine specimens are to be collected prior to urine specimen collection.
3. If the official monitor has reason to believe that an individual may attempt to adulterate or contaminate a urine specimen, substitute another substance or liquid for a urine specimen or otherwise compromise the integrity of the drug testing process, then he or she may conduct a direct observation of the individual. If the official monitor determines that direct observation of an individual is necessary, then he or she shall document the facts supporting such a before there can be direct observation.

## G. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps shall be completed by the donor individual in the presence of the official monitor.
2. The official monitor shall allow the donor individual to select two (2) sealed urine specimen collection container kits.
3. The donor individual shall unseal both kits and remove the urine specimen collection container kits' contents on a clean surface.
4. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory. Using an ordinary pencil, the donor individual shall write his or her social security number (SSN) and the letter "A" below the SSN on one of the identification labels and place it inside one of the urine specimen collection containers with the printed side facing out, thereby designating this collection container, and subsequently produced urine specimen, as container "A" and the "first specimen," respectively.
5. Next, using an ordinary pencil, the individual donor shall write his or her social security number (SSN) and the letter "B" below the SSN on the second identification label and place it inside the second urine specimen collection container with the printed side facing out, thereby designating this collection container, and subsequently produced urine specimen, as container "B" and the "second specimen," respectively.
6. The official monitor shall check to ensure the individual donor social security number (SSN) on both identification labels matches the SSN provided on the urine specimen submission form.
7. The official monitor shall instruct the individual donor to void a urine specimen between 45 mL and 60 mL into each urine specimen collection container, to not flush the toilet and then return with both urine specimens immediately after they are produced.

*The official monitor shall follow the "shy bladder" procedure for individual donors that initially cannot produce an adequate amount of urine. (See "Shy Bladder" procedures delineated in Section H.)*

8. The official monitor shall check each urine specimen for adequate volume, as well as the temperature indicator strip on the urine specimen collection container within four (4) minutes of receipt. A color change between 90° and 100°F indicates an acceptable urine specimen temperature.
  - a. The official monitor shall indicate if the temperature is acceptable in the "Yes/No" column for each urine specimen received and shall write the urine specimen collection date and his or her initials in the spaces provided on the urine specimen submission form.
  - b. If a temperature strip does not indicate an acceptable temperature, the official monitor shall consider the possibility that individual donor may have attempted to tamper with the urine specimen.

9. If the official monitor is satisfied that all requirements have been met and the required accompanying documentation is accurate and complete, he or she shall request the individual donor to seal each of the urine specimen collection containers.
10. The official monitor shall take possession of the urine specimens and required accompanying documentation. The official monitor shall ensure that all urine specimens, including the second urine specimen, are either delivered to the State Toxicology Laboratory in a timely manner or secured in the secured refrigerated storage area of the Property Room until its submission to the State Toxicology Laboratory in accordance with this SOP.

H. *“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 forty (40) ounces of fluids distributed reasonably over a period of up to three (3) 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.

I. Second Urine Specimen

1. A donor officer whose urine specimen tested positive for illegal drug use may only challenge the positive test result by having the second urine specimen independently tested. The first urine specimen shall not be retested.
2. The second urine specimen shall be maintained at the State Toxicology Laboratory for a period of sixty (60) days following the receipt of a positive drug test result.
3. The second urine specimen shall only be released by the State Toxicology Laboratory under the following circumstances:
  - a. Notification is received from the State Toxicology Laboratory that the first urine specimen tested positive for a controlled substance;

- b. Notification has been made to the donor officer that the first urine specimen tested positive for a controlled substance; and:
  - c. The positive donor officer makes notification that he or she wishes to challenge the positive drug test result.
4. The positive donor officer shall designate a laboratory from a list maintained by the State Toxicology 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. The positive donor officer shall assume all costs associated with the reception and testing of the second urine sample.

*The New Jersey 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 urine sample in accordance with accepted chain of custody procedures or the second urine sample may be sent to the selected laboratory via pre-paid commercial courier following accepted chain of custody procedures.
6. Following testing of the second urine specimen, the selected laboratory shall report the result of drug test of the second urine specimen to the positive donor officer, the Chief of Police, and the medical review officer assigned to the State Toxicology Laboratory.

J. Submission of Urine Specimens for Analysis

1. The State Toxicology Laboratory shall be the only facility approved for the analysis of urine specimens conducted pursuant to this SOP. No other laboratory or facility shall be used for the purpose of analyzing urine specimens for illegal drug use.
2. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event urine specimens cannot be submitted to the laboratory within one (1) working day of its collection, said specimens shall be stored in the secured refrigerated storage area of the Property Room until their submission to the State Toxicology Laboratory.
3. Submission of urine specimens to the State Toxicology Laboratory may be accomplished by the Internal Affairs Supervisor, and/or his/her designee or by commercial courier using “*next day*” delivery. Urine specimens submitted by commercial courier shall be packaged in such a manner as to ensure their integrity by using two (2) additional seals.
4. All urine specimens shall be accompanied by the *Law Enforcement Drug Testing Custody and Submission Form* and the sealed envelope containing the *Drug Testing Medication Information form (Attachment D)*.

5. The State Toxicology Laboratory shall inspect all required accompanying documentation to ensure that it has been properly completed. Failure to include the required accompanying documentation with each urine specimen submission shall cause the State Toxicology Laboratory to delay conducting an analysis of same until the missing documentation has been submitted.
6. In addition to ensuring that the appropriate accompanying documentation has been completed and submitted for each urine specimen, the State Toxicology Laboratory shall inspect each urine specimen for damage and evidence of tampering. The State Toxicology Laboratory may reject any urine specimen it has reason to believe may have been tampered with or is damaged. The State Toxicology Laboratory shall make written notification clearly stating the reason for rejection.

K. Analysis of Urine Specimens

1. The analysis of the first urine specimen shall be conducted 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 urine specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of written test result reports.
2. In addition to the controlled substances listed below, the Chief of Police may request that urine specimens be analyzed for the presence of steroids or any other illegal controlled substance.
3. The State Toxicology Laboratory's drug testing procedures shall screen urine specimens for the following controlled substances:
  - a. Amphetamines;
  - b. Barbiturates;
  - c. Benzodiazepines;
  - d. Cocaine;
  - e. Marijuana;
  - f. Methadone;
  - g. Opiates;
  - h. Oxycodone/Oxymorphone
  - i. Phencyclidine
4. The State Toxicology Laboratory shall utilize a two stage procedure to analyze urine specimens.

- a. In the first stage, urine specimens shall undergo an initial screening. The initial screening determines whether one or more of the nine (9) substances listed above and/or their metabolites are present at or above a designated cutoff. All presumptive positive urine specimens shall undergo a second and more specific type of testing.
  - b. The second stage of testing shall employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
5. When a urine specimen tests positive at both the first test stage and the second test stage, a medical review officer assigned to the State Toxicology Laboratory shall review the test results together with the *Drug Testing Medication Information* form (*Attachment D*) submitted for that urine specimen. The medical review officer shall seek to determine whether any of the substances listed on that form would explain the positive drug test result.
  - a. The medical review officer may direct further information from the individual being tested concerning the medications listed on the *Drug Testing Medication Information* form (*Attachment D*).
  - b. The medical review officer shall issue a written report indicating whether or not the urine specimen tested positive due to a listed medication on the *Drug Testing Medication Information* form (*Attachment D*).
6. During the pre-employment process, this department shall comply with the provisions of the *Americans with Disabilities Act (ADA)* and refrain from making any medical inquiries. Thus, no *Drug Testing Medication Information* form (*Attachment D*) shall be used during the pre-employment process, unless a positive test result requires an explanation.
  - a. If a law enforcement applicant tests positive for a controlled substance, following notification from the State Toxicology Laboratory, the law enforcement applicant shall complete the *Drug Testing Medication Information* form (*Attachment D*).
  - b. Once the *Drug Testing Medication Information* form (*Attachment D*) has been completed, the form shall be transmitted to the State Toxicology Laboratory. A review of the *Drug Testing Medication Information* form (*Attachment D*) shall then be conducted by the medical review officer assigned to the State Toxicology Laboratory as outlined above.
7. In addition to the drug testing outlined above, urine specimens submitted to the State Toxicology Laboratory may be tested for the presence of steroids or any other illegal controlled substance at the request of the Chief of Police, County Prosecutor or the Director of the academy training. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange for such testing.

L. Drug Test Results

1. The State Toxicology Laboratory shall provide written test results for every urine specimen submitted for analysis. All efforts shall be made to deliver these written reports within fifteen (15) working days of the urine specimen submission.
2. Reports shall be addressed to the Chief of Police, who shall be listed on the specimen submission record as the contact person. Positive drug test results shall be sent by the State Toxicology Laboratory via certified mail.
3. In some cases, the State Toxicology Laboratory may report that a urine specimen tested positive for a particular substance and that the information listed on the *Drug Testing Medication Information* form (*Attachment D*) explains the positive drug test result.

*For example, the State Toxicology Laboratory may report that a urine specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the Drug Testing Medication Information form by the officer.*

At this point, it shall be the responsibility of the Internal Affairs Supervisor to determine if the positive donor officer possesses a valid prescription for that drug. A positive donor officer who do not possess a valid prescription shall be subject to disciplinary action, up to and including his or her dismissal from service.

4. Under no circumstances shall the State Toxicology Laboratory provide verbal reports of drug test results. In addition, no individual or other agency shall ask the State Toxicology Laboratory to conduct a second analysis of a urine specimen that has already been analyzed.

M. Consequences of a Positive Drug Test Result

1. When a law enforcement applicant tests positive for illegal drug use:
  - a. The law enforcement applicant shall be immediately removed from consideration for employment.
  - b. The law enforcement applicant's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
  - c. The law enforcement applicant shall be precluded from consideration for future law enforcement employment in New Jersey for a period of two (2) years.
  - d. If the law enforcement applicant is currently employed by another agency as a sworn law enforcement officer, his or her current employer shall be notified of the positive drug test result. Under these circumstances, the officer's current employer shall be required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.

2. When a law enforcement trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
  - a. The law enforcement trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and immediately suspended from employment.
  - b. The law enforcement trainee shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  - c. The law enforcement trainee's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
  - d. The law enforcement trainee shall be permanently barred from future law enforcement employment in New Jersey.
  
3. When a sworn law enforcement officer tests positive for illegal drug use:
  - a. The sworn law enforcement officer shall be immediately suspended from all duties.
  - b. The sworn law enforcement officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
  - c. The sworn law enforcement officer's name shall be reported to the Central Drug Registry maintained by the Division of State Police.
  - d. The sworn law enforcement officer shall be permanently barred from future law enforcement employment in New Jersey.

N. Consequences of a Refusal to Submit to a Drug Test

1. Law enforcement applicants who refuse to submit to a drug test during the pre-employment process shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate they refused to submit to a drug test
2. Law enforcement trainees who refuse to submit to a drug test during basic training shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate they refused to submit to a drug test
3. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or pursuant to random selection shall be subject to the same penalties as if they tested positive for illegal drug use. The notification to the Central Drug Registry maintained by the Division of State Police shall indicate they refused to submit to a drug test

4. If there is no valid reason why an individual cannot produce a urine specimen, then that individual's actions shall be treated as a refusal to submit to the drug test. In addition, any 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 urine specimen shall be deemed to have refused to submit to the drug test.

O. Resignation/Retirement in Lieu of Disciplinary Action

1. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be subject to the same penalties as if he or she tested positive for illegal drug use.

P. Record Keeping

1. The Internal Affairs Unit shall maintain all records relating to the drug testing of law enforcement applicants, law enforcement trainees and sworn law enforcement officers.
2. Drug testing records shall include, but not be limited to, the following:
  - a. For Reasonable Suspicion Drug Testing:
    - 1) The identity of those sworn law enforcement officers ordered to submit urine specimens for analysis;
    - 2) The reason for the issuance of those orders;
    - 3) The dates the urine specimens were collected;
    - 4) The official monitors of the urine collection process;
    - 5) The chain of custody of the urine samples from the time they were collected until the time they were received by the State Toxicology Laboratory;
    - 6) The results of the drug tests;
    - 7) Copies of notifications to the subject sworn law enforcement officers;
    - 8) For any positive test result, documentation from the sworn law enforcement officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty.
    - 9) For any positive test result or refusal, appropriate documentation of disciplinary action.

- b. For random drug testing, the records shall also include the following information:
  - 1) A description of the process used to randomly select sworn law enforcement officers for drug testing;
  - 2) The date the random selection was made;
  - 3) A copy of the document listing the identities of those sworn law enforcement officers selected for drug testing;
  - 4) A list of those sworn law enforcement officers who were actually drug tested; and
  - 5) The date(s) those sworn law enforcement officers were drug tested.
- c. Drug testing records shall be maintained with the same level of confidentiality required for internal affairs files pursuant to the *New Jersey Internal Affairs SOP*.

Q. Central Drug Registry

- 1. The Central Drug Registry maintained by the Division of State Police shall be notified of the name of any law enforcement applicant, law enforcement trainee or sworn law enforcement officer who tested positive for the illegal use of drugs or refused an order to submit to a drug test.
- 2. Any sworn law enforcement officer who tested positive for the illegal use of drug or refused 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 have his or her name reported to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- 3. Notifications to the Central Drug Registry maintained by the Division of State Police shall include the following information as to each individual:
  - a. The complete name and full address of the department with the Chief of Police listed as the contact person;
  - b. The name of the individual who tested positive;
  - c. The last known address of the individual;
  - d. The individual's date of birth;
  - e. The individual's social security number;
  - f. The individual's State Bureau of Identification number (*if known*);
  - g. The individual's gender;
  - h. The individual's race;

- i. The individual's eye color;
  - j. The substance(s) the individual tested positive for or the circumstances of the his or her refusal to submit a urine specimen;
  - k. The dates of the drug test or refusal;
  - l. The dates of the individual's final dismissal or separation from service; and:
  - m. Whether the individual was a law enforcement applicant, law enforcement trainee or a sworn law enforcement officer.
- 4. The certification section of the notification form shall be completed by the Chief of Police and notarized with a raised seal.
  - 5. Notifications to the Central Drug Registry shall be sent to:
 

Division of State Police  
State Bureau of Identification Central Drug Registry  
P.O. Box 7068  
West Trenton, NJ 08628-0068
  - 6. Information contained in the Central Drug Registry may be released by the Division of State Police only under the following circumstances:
    - a. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and:
    - b. In response to a court order.

R. Notification to County Prosecutor

- 1. 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 County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, the Westfield Police Department shall report the discipline to the County Prosecutor or designee.
- 2. By December 31st of each year, the Westfield 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.

S. Public Accessibility and Confidentiality

1. The Westfield Police Department Drug Testing SOP 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 Q, also shall be made available to the public upon request and shall be posted on the agency website.
2. All written reports created or submitted pursuant to this SOP that identify specific officers are strictly confidential and **not** subject to public disclosure.