

MIDDLETOWN TOWNSHIP POLICE DEPARTMENT GENERAL ORDER

DRUG TESTING OF LAW ENFORCEMENT PERSONNEL

EFFECTIVE DATE: March 21, 2018

BY THE ORDER OF: Chief R. Craig Weber

PURPOSE The purpose of this policy is to establish uniform policies and procedures for the implementation of mandatory drug testing for the Middletown Township Police Department, including random testing, required by the Monmouth County Uniform Policy on Drug Testing of Law Enforcement Personnel, issued January 24th, 2018 and New Jersey Attorney General Directive 2018-2 issued March 20th, 2018

POLICY The Monmouth County Prosecutor, under his authority as the chief law enforcement officer in the county, may issue policies to ensure the efficient and uniform operation of all departments. Additionally, pursuant to the authority under the Criminal Justice Act of 1970, N.J.S.A. 52: 17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State issued Directive 2018-2.

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

The Attorney General Guidelines and the Monmouth County Prosecutor mandate drug testing if reasonable suspicion exists. Therefore, this agency shall include in its Rules and Regulations as defined in NJSA 40A:14-118, an appropriate General Order and standard operating procedures (SOP's) that individual 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.

The Attorney General's Guidelines on Drug Testing now require agencies to implement a random drug testing program for sworn officers as does the Monmouth County Prosecutors Policy

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

I. PROCEDURES

A. Definitions

1. **APPLICANT:** A person who applies for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under **N.J.S.A. 2C: 39-6**.
2. **CENTRAL DRUG REGISTRY:** This is the statewide data base that is maintained by the NJSP in which the names and corresponding information of all law enforcement applicants, trainees and/or sworn officers who test positive for any of the substances delineated in this Directive, or the corresponding AG Directive, are to be reported and recorded.
3. **RANDOM SELECTION:** Random selection shall be defined as a method of selection in which each and every sworn member of the agency (EXCLUDING TRAINEES IN A POLICE ACADEMY AND SWORN OFFICERS ON EXTENDED SICK/INJURY LEAVE), regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. (NOTE: For the purposes of this Policy, "extended sick/injury leave" is defined as an illness/injury in which the officer's return is not anticipated for at least one month from the date of the selection process.)
4. **SWORN OFFICER:** Persons who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the *Police Training Act* and are authorized to carry a firearm under **N.J.S.A. 2C: 39-6**.
5. **TRAINEE:** A person who is employed by the agency and is subject to the Police Training Act while they attend a mandatory basic training course.

II. APPLICABILITY:

A. APPLICANTS: Although drug testing of applicants is not mandated by the AG Guidelines, such testing is a requirement for law enforcement agencies in Monmouth County as part of the screening process of applicants for the position of a law enforcement officer. The testing will occur when candidates report to receive their department candidate application.

B. TRAINEES:

1. **Random:** Trainees are required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules & regulations established by the *Police Training Commission (PTC)*.

2. **Reasonable Suspicion:** Individual trainees may also be required to submit a urine specimen for testing when there is reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief Executive Officer of the officer's agency or the Academy Director.

C. SWORN LAW ENFORCEMENT OFFICERS:

1. Urine specimens shall be ordered from a sworn law enforcement officer when there is reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens shall not be ordered from an officer without the approval of the County Prosecutor or the Chief Executive Officer of the officer's agency.

2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to a drug test, during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens obtained via medical or fitness for duty exams are not governed by this policy.

III. NOTIFICATION OF CDS TESTING PROCEDURE

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

- a) Applicant being dropped from consideration for employment;
- b) Cause the applicants name to be reported to the Central Drug Registry;
- c) Preclude the applicant from being considered for future law enforcement employment for a period of two (2) years.
- d) Additionally, the notification shall indicate that if the applicant is already a sworn law enforcement officer with another agency 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 NJ.

B. **TRAINEE:** All trainees shall be given written notice that drug testing will take place

while he/she attends the basic police academy and that a negative test result is a condition of employment. This notice also informs the trainee of the ramifications of a positive test result or a refusal to submit a sample, which are:

- a) Trainee being terminated from employment.
- b) The inclusion of the trainee's name in the Central Drug Registry.
- c) The trainee being permanently barred from future law enforcement employment in NJ.

IV. SWORN LAW ENFORCEMENT OFFICERS REASONABLE SUSPICION TESTING:

A. Testing Required: Individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.

B. Required Documentation: Before an officer may be ordered to submit to a drug test based on reasonable suspicion, a written report that documents the basis for the reasonable suspicion shall be prepared. The County Prosecutor or the Chief Executive Officer of the officer's agency shall review the report before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

C. Negative Test Result Required for Employment: A negative result is a condition of employment, as delineated in the agency's Rules & Regulations/SOP' s/Policy.

D. Refusal to Submit or Positive Test Result: If the officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so or produces a positive result from a drug test, the employee will be:

- 1. Terminated from employment;
- 2. Included in the Central Drug Registry;
- 3. Permanently barred from future law enforcement employment in NJ.
- 4. The law enforcement agency's chief executive or a designee shall provide a confidential written notice to their County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.

V. RANDOM CDS TESTING FOR SWORN LAW ENFORCEMENT OFFICERS:

A. ELIGIBILITY FOR DRUG TESTING:

1. With few exceptions, all sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.

2. The method of random selection shall ensure that every sworn officer in the agency has an equal chance to be selected for testing each and every time a selection takes place.
 - (1) Officers who are on extended sick/injury leave and trainees in the police academy will be excluded from the agency random selection.

 - (2) Such reason for such exclusions shall be documented. Trainees are subject to the academy's drug screening process.

 - (3) Officers selected shall report for testing as instructed by the Office of the Chief of Police.

3. FREQUENCY/NUMBERS TO BE TESTED:

- a) The frequency in which random drug testing shall occur shall be bi-annually.
 - (1) The number of sworn officers selected may be a fixed number or a percentage of sworn officers, which in every case shall be less than the total number of sworn officers employed by the agency.
 - (a) The Middletown Township Police Department shall test **ten percent (10%)** of sworn officers each time. The testing shall occur bi- annually. (Ten percent (10%) of the active roster for each testing cycle). Eligible employees shall include anyone authorized to carry a firearm in the performance of their regularly assigned duties. This includes full time regular officer and Class II Special Law Enforcement Officers.

4. MONITORING THE SELECTION PROCESS: The selection process will be scheduled and conducted by the Office of the Chief of Police. The process shall include a representative of both the Superior Officers' Association and Policemen's Benevolent Association (PBA) Local 124. Each unit may select any member of their respective unit to serve in this role.

5. CONFIDENTIALITY OF THOSE TO BE TESTED: Any member of the agency 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.

6. RANDOM SELECTION SYSTEM: The Chief of Police shall determine the process for the random selection. The agency shall adopt a lottery system wherein each officer's social security number will be assigned a numerical number and marked on a ball, which is then selected at random from a container or via a computerized software program that ensures compliance with the random provisions of this Directive.

7. SYSTEM OF COLLECTION OF URINE SPECIMENS: Specimens shall be collected from selected officers in a prompt, efficient, and confidential manner.

8. REFUSAL TO PARTICIPATE IN RANDOM CDS TESTING: Any sworn 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 illegal drug use.

VI. SPECIMEN ACQUISITION PROCEDURES

A. DESIGNATION OF MONITOR/MONITOR'S RESPONSIBILITIES:

1. The agency shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be the same sex as the individual being tested. In the event there is no member of the same sex available from the agency, the agency may request that a member of the same sex from another agency serve as monitor of the process.

a) Monitor's Responsibilities:

- (1) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
- (2) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
- (3) Complying with chain of custody procedures established for the

collection of urine specimens and their subsequent submission to the NJ State Toxicology Lab within the Division of Criminal Justice for analysis.

B. APPLICANT:

- a) Prior to submission of a specimen, an applicant for a law enforcement position shall execute the appropriate form consenting to the collection and analysis of his/her urine for illegal drugs. This form shall clearly state that a negative result is a condition of employment and the ramifications of a positive result.
- b) Upon issuance of the department application of employment, the applicant is not required to complete a medical questionnaire form prior to submission of a specimen.
- c) A conditional offer of employment is a prerequisite for completion of this form. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire listing all medications, both prescription and over-the-counter (non-prescription), that were ingested within the last thirty (30) days, if, following submission of their specimen to the State Toxicology Lab for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for controlled substance.

C. TRAINEE:

- a) Prior to submission of a specimen, the academy staff shall have the trainee complete the applicable form which clearly states that a negative result is a condition of employment and the ramifications of a positive result.
- b) The Trainee will be required to complete a medical questionnaire form, which clearly describes all medications, both prescription and over-the-counter (non-prescription) that were ingested within the past thirty (30) days.

D. SWORN LAW ENFORCEMENT OFFICER:

- a) Prior to submission of a urine specimen, sworn law enforcement officers shall complete a medical questionnaire describing all medications, both prescription and over-the-counter (non-prescription) that were ingested within the past thirty (30) days.

E. SPECIMEN COLLECTION: APPLICANTS. TRAINEES. SWORN LAW ENFORCEMENT OFFICERS

- a) **CONFIDENTIALITY OF PROCESS:** Throughout the test process, the identity of the individual applicants, trainees and sworn law enforcement officers shall remain confidential. Individual specimens shall be identified throughout the process by 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 Lab.

- b) **CONTAINERS TO BE UTILIZED:** Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Lab. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Lab.
- c) **SPECIMEN ACQUISITION:** Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Lab.

(1) The monitor shall inspect the appropriate forms for accuracy/completeness.

(2) The monitor and the person voiding the sample shall inspect the package in which the specimen bottle is contained to ensure that it is intact.

(3) The applicant, trainee or sworn officer shall empty his/her pockets and thoroughly wash his/her hands prior to the voiding of the sample.

(4) The package containing the specimen bottle shall be broken and the applicant, trainee or sworn officer shall complete the specimen label in pencil. This label shall be placed inside the specimen bottle prior to the voiding of the sample.

(5) The applicant, trainee or sworn officer shall void into the specimen collection container (50ml).

(6) After a specimen has been produced, the applicant, trainee or sworn officer shall seal the specimen container and deliver it to the monitor.

(7) The monitor shall confirm that the specimen is not adulterated. This includes inspection of the specimen bottle and verification of the temperature of the voided sample via the temperature strip on the specimen bottle. A temperature reading in the range of 90-100 degrees must be reached from 30 seconds after sample is voided and will remain up to 5 minutes after sample is voided.

(a) If the temperature is not within this range in the given time frame, the sample is considered to be adulterated and is to be discarded and a new specimen will be obtained while the monitor witnesses the voiding of the specimen.

(b) The circumstances surrounding the discarding of the adulterated specimen and the witnessing of the voiding of a new sample must be documented.

(c) Once the monitor is satisfied that the required documentation is accurate/complete and he/she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen, ensure proper chain of custody procedures are adhered to and ensure that it is delivered to the State Toxicology Lab for analysis within one working day. For transportation purposes, the specimen shall be placed in a cooler containing an ice pack and transported in this manner.

F. MONITOR WITNESSING OF VOIDING OF SAMPLE: Applicant, trainee or sworn officer 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.

- a) Under these circumstances, the production of a specimen may be directly observed by the monitor.
- b) The facts underlying the belief that an individual may adulterate a specimen or compromise the integrity of the test process must be documented by the person making that decision.

G. UNABLE TO PRODUCE A SPECIMEN: Applicants, trainees or sworn officers 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 applicant, trainee or sworn officer cannot produce a specimen.

- a) 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.
- b) 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.

H. SECOND SPECIMEN: Trainees and sworn law enforcement officers shall provide the monitor with a second urine specimen at the same time the first specimen is collected.

- a) The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
- b) The agency shall maintain possession of the second specimen for a period of sixty (60) days or until the agency receives notification from the State Toxicology Lab that the first specimen tested negative for the presence of CDS.

- c) The second specimen shall be released by the agency under the following circumstances:
- (1) The agency is notified by the State Toxicology Lab that the first specimen tested positive for CDS; and
 - (2) The agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 - (3) The trainee or officer must designate a lab that is licensed as a clinical lab by the NJ Dept. of Health under the NJ Clinical Laboratory Improvement Act to conduct the independent test; and
 - (4) A representative of the licensed clinical lab designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within sixty (60) days of the date the specimen was produced.

VII. SUBMISSION OF SPECIMENS FOR ANALYSIS

A. LAB TO CONDUCT ANALYSIS: The State Toxicology Lab within the Div. of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or lab for purposes of analyzing urine specimens. The State Toxicology Lab must reject specimens that it has reason to believe have been subject to tampering.

B. TIME CONSTRAINTS FOR SUBMITTING SAMPLES: Urine specimens should be submitted to the State Toxicology Lab within one (1) working day of their collection. In the event a specimen cannot be submitted to the lab within one (1) working day of its collection, the agency shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Lab. Although the AG Guidelines authorize commercial couriers for the submission of specimens to the State Toxicology Lab, it is the policy of Monmouth County that specimens are submitted by agency personnel only.

- C. ANALYSIS OF SPECIMENS** The State Toxicology Lab will utilize the following test procedures to analyze urine specimens for law enforcement agencies:
- a) **INITIAL TEST:** All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
 - b) **CONFIRMATION TEST:** Those specimens that test positive for CDS following the fluorescence polarization immunoassay shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the CDS.
 - c) **MEDICAL REVIEW OF POSITIVE RESULTS:** In the event a specimen is confirmed to be positive for a controlled substance following gas chromatography/mass spectrophotometry, a medical review officer at the lab shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result. The medical review officer may direct the PD to obtain additional information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that specimen tested positive.
- D. SUBSTANCES TEST IS TO IDENTIFY:** The State Toxicology Lab shall analyze each specimen for the following substances and their metabolites:
- 1. amphetamine/methamphetamine;
 - 2. barbiturates;
 - 3. benzodiazepine;
 - 4. cannabinoids;
 - 5. cocaine;
 - 6. methadone;
 - 7. phencyclidine;
 - 8. Opiates; and
 - 9. Steroids,
- a) **Random Testing:** This agency shall incorporate the testing for steroids into their random drug testing program.
 - b) **Reasonable Suspicion Drug Testing:** The testing for the presence of steroids is mandatory whenever there is reasonable suspicion that the officer is utilizing such drugs.
- E. ANALYSIS PROTOCOL:** The analysis of each specimen shall be done in accordance of procedures adopted by the State Toxicology Lab. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off

levels and the issuance of test reports.

VIII. CDS TEST RESULTS (NEGATIVE V. POSITIVE)

A. NEGATIVE RESULTS: When the results are received from the lab and they are negative, the designated officer will generate a letter indicating that the results were indeed negative, attach a copy of the lab report to this letter, place it in an envelope and seal it. This envelope will then be delivered to the officer involved.

B. POSITIVE RESULTS:

1. Notification of the Agency of Positive Test Result: The State Toxicology Lab shall notify the agency of any positive test results from the specimens submitted for analysis. Said reports shall be in writing and sent to the agency within fifteen (15) working days of the submission.

2. Medical Review Required Prior to Notification of Agency: The State Toxicology Lab shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.

3. Notification of Person Tested: The agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Lab. Upon request, the individual may receive a copy of the lab report.

IX. RESUBMISSION OF SAMPLE FOR RE-TESTING:

A. Under no circumstances may the agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Lab be re-tested.

X. CONSEQUENCES OF A POSITIVE TEST RESULT

A. APPLICANT: When an applicant tests positive for illegal drug use:

1. The applicant shall be immediately removed from consideration for employment; and
2. The applicant shall be reported to the Central Drug Registry by the agency to which the individual applied; and
3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in NJ for a period of two (2) 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/her name to the Central Drug Registry.

B. TRAINEE: 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/her appointing authority; and

2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority; and

3. The trainee shall be reported to the Central Drug Registry; and the trainee shall be permanently barred from future law enforcement employment in NJ.

C. SWORN LAW ENFORCEMENT OFFICER:

1. When a sworn law enforcement officer tests positive for illegal drug use;

2. The officer shall be immediately suspended from all duties; and the officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action;

3. The officer shall be reported to Central Drug Registry; and

4. The officer shall be permanently barred from future law enforcement employment in NJ.

5. The law enforcement agency's chief executive or a designee shall provide a confidential written notice to their County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.

XI. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A CDS TEST:

A. APPLICANTS:

1. 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 in NJ for a period of two (2) years from the date of refusal.

2. In addition, the agency shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

B. TRAINEES:

1. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment.

2. 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 NJ.

3. In addition, the agency 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 OFFICER: Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment.

1. 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 NJ.

2. In addition, the PD shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

3. The law enforcement agency's chief executive or a designee shall provide a confidential written notice to their County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.

D. OFFICER WHO RESIGNS/RETIRES AFTER TESTING POSITIVE OR REFUSING TEST: 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 completion of final disciplinary action,

1. Shall be reported by the agency to the Central Drug Registry and

2. Shall be permanently barred from future law enforcement employment in New Jersey.

XII. RECORD KEEPING

A. MAINTENANCE OF RECORDS: The Internal Affairs unit of each agency shall

maintain all records relating to drug testing of applicants, trainees and law enforcement officers. Said records shall be maintained with the level of confidentiality and security required for internal affairs files pursuant to the AG Guidelines on file security.

B. FILE CONTENTS:

1. The drug testing records shall include but not be limited to:
2. The identity of those ordered to submit urine samples;
3. The reason for that order;
4. The date the urine was collected;
5. The monitor of the collection process;
6. The chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Lab;
7. The results of the drug testing;
8. Copies of notification to the subject;

C. FOR ANY POSITIVE RESULT - if applicable, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;

1. For any positive result or refusal, appropriate documentation of disciplinary action.

D. RANDOM DRUG TESTING: The file shall also include the following information:

1. A description of the process used to randomly select officers for drug testing;
2. The date the selections were made;
3. A copy of the document listing the identities of those selected for drug testing;
4. A list of those who were actually tested; and

5. The date(s) those officers were tested.

XIII. CENTRAL DRUG REGISTRY

A. NOTIFICATION REQUIRED:

1. The agency shall notify the Central Drug Registry of the identity of the applicants, trainees and sworn law enforcement officers who test positive for illegal use of drugs or refuse an order to submit a urine sample.

B. DOCUMENTATION NEEDED FOR NOTIFICATION:

1. Notifications to the Central Drug Registry occur by the employing agency completing attachment D of the Attorney General's Law Enforcement Drug Testing Policy in its entirety and sending it to the address indicated on the bottom of the attachment.

C. ACCESS TO INFORMATION CONTAINED IN CENTRAL DRUG REGISTRY:

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

XIV. Public Accessibility and Confidentiality

A. All random drug testing policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website.

B. Annual reports from the County Prosecutors to the Attorney General (as required by Section XV below) also shall be made available to the public upon request and shall be posted on the agency's website.

C. All written reports created or submitted pursuant to this Directive that

identify specific officers are confidential and not subject to public disclosure.

XV. Notification to County Prosecutor

A. By December 31st of each year, every law enforcement agency shall provide written notice to their 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.