I. Purpose

A. The purpose of this policy is to outline procedures to be followed by this Department in administering drug testing to Bernards Township Police Officers.

II. Policy


III. Procedure


C. The Bernards Township Police Department shall conduct random drug testing in accordance with the Somerset County Prosecutor’s Office County General Order titled “Drug Testing Policy For Somerset County Law Enforcement Agencies dated May 9, 2018. (Attachment C).

D. In addition to the guidelines/directives described above, the following rules will be specific to the Bernards Twp. Police Department:

1. Random Selection Process-Officer badge numbers will be selected from a non-transparent container by the PBA president or his/her designee. The container shall hold metal washers of the same size with the badge numbers of all current sworn police officers and Class II and Class III special police officers. If the individual who has been randomly selected is on extended leave (i.e. sick or medical leave, suspension, terminal leave, etc) an alternate individual will be randomly selected to replace said officer.

2. Monitoring the process-The Operations Officer shall be the monitor for the urine specimen collection procedure. If the Operations Officer is chosen in the random selection process or required to give a sample under reasonable suspicion testing the urine specimen collection procedure monitor will be an officer chosen by the Chief of Police.

3. Reasonable suspicion drug testing-Before a law enforcement executive may order an individual officer to undergo reasonable suspicion testing, the agency shall prepare a written report documenting the basis for the test. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. The report whether verbal or written will be reviewed by the Somerset County Prosecutor’s Office.
Attachment A

Attorney General's Law Enforcement Drug Testing Policy

Revised April 2018
**DRUG TESTING**

Attorney General’s Law Enforcement Drug Testing Policy

Revised April 2018

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Drug Testing
Law Enforcement Officer

I. INTRODUCTION

As the chief law enforcement officer of the State, the Attorney General is duty bound to ensure that the citizens of New Jersey receive police services from law enforcement officers whose competency and integrity are beyond question. The Attorney General is responsible for ensuring that the illegal use of drugs by individual law enforcement officers does not undermine the integrity of law enforcement agencies or threaten the safety and morale of other law enforcement officers.

This policy supersedes the New Jersey Law Enforcement Drug Testing Manual (7/15/01) as well as prior versions of the Attorney General’s Law Enforcement Drug Testing Policy (last rev. May 2012). It has been revised in accordance with Attorney General Directive 2018-2 requiring the implementation of a random drug testing policy by all state, county and municipal law enforcement agencies under the legal authority of the Attorney General. It also requires the drug testing of law enforcement applicants as a condition of employment. The Division of Criminal Justice together with the State Toxicology Laboratory is responsible for coordinating the New Jersey law enforcement drug testing program. Information concerning the program may be found at the Division’s website www.njdcj.org.

The goal of the policy is deterring illegal drug use by law enforcement officers. The policy provides law enforcement agencies with a mechanism to identify and remove those law enforcement officers engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive shall be terminated from employment.

The policy sets forth uniform methods and procedures for implementing and administering law enforcement drug testing. The policy further outlines the duties and responsibilities of the State’s law enforcement agencies and chief executive officers with respect to the drug testing process. Every law enforcement agency under the authority of the Attorney General must implement a drug testing program consistent with this policy.

The policy seeks to ensure that the employment rights of individual law enforcement officers are safeguarded consistent with legal principles. As a result, the policy sets forth procedures for the uniform collection, submission and analysis of drug test specimens. The procedure further seeks to ensure the accuracy and reliability of the drug testing process. Every law enforcement agency must administer its drug testing program in a way that is fundamentally fair to individual law enforcement officers and is consistent with due process requirements.

II. APPLICABILITY

A. Personnel

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.

3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

4. The Law Enforcement Drug Testing Policy does not apply to civilian employees of a law enforcement agency. Agencies that wish to drug test civilian employees should consult with legal counsel to establish drug testing policies and procedures consistent with human resource policy and/or collective bargaining rights.

B. Employment Status

Drug testing may be categorized by the employment status of the individual being tested and the method by which the individual was selected for testing. These methods include applicant testing, trainee testing, and officer testing. Testing is required of all police applicants and trainees. Pursuant to AG Directive 2018-2, law enforcement agencies are required to implement a random drug testing program for all sworn officers in their departments. Further, law enforcement agencies have an independent obligation to undertake drug testing of individual officers and trainees when there is reasonable suspicion to believe that the officer or trainee is illegally using drugs.

1. Applicant Testing

The Law Enforcement Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees should 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.

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.

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.

2. Trainee Testing

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.

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.

3. Officer Testing

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.

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.

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.

C. Types of Testing

1. Random Testing

Random drug testing of all state, county and local sworn law enforcement officers is required by AG Directive 2018-2. Random selection is defined as a method of selecting employees for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency. AG Directive 2018-2 requires a minimum of ten percent of the sworn officers within an agency be randomly tested each time. Each agency must perform the random test at least once in 2018 and at least twice in every subsequent calendar year.

Agencies must establish a random drug testing program by rule, regulation or procedure. A municipal police department should have the appropriate authority adopt a rule or regulation as defined by N.J.S.A. 40A:14-118 mandating random drug testing. County, State or campus police agencies should have the appropriate administrative, executive or law enforcement official adopt a policy or procedure mandating random drug testing. Random drug testing cannot be implemented until the rule, regulation or procedure has been in effect for a minimum of 60 days.

The agency must choose a method of random selection which ensures that every sworn officer in the agency has an equal chance of being selected each and every time a selection takes place. In other words, an officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests. The mechanism for selecting officers can be as simple and inexpensive as placing names in a hat, or as complex and expensive as a custom computer program.

The random selection process should be verified and documented. The agency should permit representatives of the affected collective bargaining units to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone 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, will be subject to discipline.

2. Reasonable Suspicion

Agencies must undertake drug testing when there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of controlled substances. 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." The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:

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.

Every law enforcement agency subject to the jurisdiction of the Attorney General must include in its rules and regulations a provision governing reasonable suspicion drug testing. Before a law enforcement executive may order an individual officer to undergo reasonable suspicion testing, the agency shall prepare a written report documenting the basis for the test. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. Law enforcement executives

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4 Id.
5 Id.
who wish to discuss whether the information they possess is sufficient to conduct reasonable suspicion testing should contact their county prosecutor’s office for advice.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

Agencies must notify applicants for law enforcement positions that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant’s name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer’s employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

B. Trainees

All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in: a) result in the trainee being dismissed from basic training; b) the trainee’s termination from employment; c) inclusion of the trainee’s name in the central drug registry maintained by the Division of State Police; and d) the trainee being permanently barred from future law enforcement employment in New Jersey.

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 and inclusion of the trainee’s name in the central drug registry maintained by the Division of State Police. Each police academy shall include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn Law Enforcement Officers

Each municipal law enforcement agency shall include in its rules and regulations as defined in N.J.S.A. 40A:14-118, and every county and state law enforcement agency shall include in appropriate standard operating procedures, a provision that 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 as well as they are subject to mandatory random drug testing pursuant to AG Directive 2018-2.

The agency’s rules and regulations or appropriate standard operating procedures shall also provide that a negative result is a condition of employment as a sworn officer and that a positive result will result in: a) the officer’s termination from employment; b) inclusion of the officer’s name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
The agency’s rules and regulations or appropriate standard operating procedures shall further provide that officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

IV. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary acquisition procedures

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

2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that 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 are not required to complete a Drug Testing Medication Information form at this time.

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 the trainee that the refusal to participate in the test process carries the same penalties as testing positive. Trainees 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 that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.

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. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal.
B. Monitor's Responsibilities

1. 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 tainting 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. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.

2. The monitor 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 NISTL 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.
Drug Testing - Law Enforcement Officer

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- 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 as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency shall store the specimens in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory (Attachment E).

C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using “next day delivery.” Specimens submitted by commercial courier must be packaged to ensure their integrity.

D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.

E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
   1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
   2. Notify the 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:
   - Amphetamines
   - Barbiturates
   - Benzodiazepines
   - Cocaine
   - Marijuana
   - Methadone
   - Opiates
   - Oxycodone/Oxymorphone
   - 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 agency.
   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 subject to rules adopted by the Police Training Commission and suspended from employment by his or her appointing authority.
   2. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a law enforcement officer.
   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, 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 who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's
name to the Central Drug Registry and note that the individual refused to submit to a drug test.

B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer’s name to the Central Drug Registry and note that the individual refused to submit to a drug test. 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 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. Each law enforcement agency’s Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

B. Each agency’s drug testing records shall include but not be limited to:

1. All drug testing:
   a. the identity of those ordered to submit urine samples;
   b. the reason for that order;
   c. the date the urine was collected;
   d. the monitor of the collection process;
   e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
   f. the results of the drug testing;
   g. copies of notifications to the subject;
h. for any positive result, documentation from the officer’s physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
i. for any positive result or refusal, appropriate documentation of disciplinary action.

2. Random drug testing, the records shall also include the following information:
   a. a description of the process used to randomly select officers for drug testing;
   b. the date selection was made;
   c. a copy of the document listing the identities of those selected for drug testing;
   d. a list of those who were actually tested; and
   e. the date(s) those officers were tested.

C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XII. CENTRAL DRUG REGISTRY

A. Every law enforcement agency shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test (Attachment F).

B. 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.

C. Notifications to the Central Drug Registry shall include the following information as to each individual:
   1. Name and address of the submitting agency, and contact person;
   2. Name of the individual who tested positive;
   3. Last known address of the individual;
   4. Date of birth;
   5. Social security number;
   6. SBI number (if known);
   7. Gender;
   8. Race;
   9. Eye color;
   10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
11. Date of the drug test or refusal;
12. Date of final dismissal or separation from the agency; and
13. Whether the individual was an applicant, trainee or sworn law enforcement officer.

D. The certification section of the notification form must be completed by the chief or director, and notarized with a raised seal.

E. Notifications to the central registry shall be sent to:
   Division of State Police
   State Bureau of Identification
   Central Drug Registry
   P.O. Box 7068
   West Trenton, New Jersey 08628-0068

F. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
   1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
   2. In response to a court order.
ATTACHMENT A

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

I, ______________________, understand that as part of the pre-employment process, the ______________________ will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment. I understand that if I refuse to undergo the testing, I will be rejected from employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two-year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this “Applicant Notice and Acknowledgment” form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

__________________________________________  ______________________
Signature of Applicant                      Date

__________________________________________  ______________________
Signature of Witness                      Date
ATTACHMENT B

DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

I, __________________________, understand that as part of the program of training at the 
__________________________, I will undergo unannounced drug testing by urinalysis during 
the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above 
listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the 
training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the 
academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my 
employer of the positive test result. In addition, I will be permanently dismissed from my law 
enforcement position.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that 
information will be forwarded to the Central Drug Registry maintained by the Division of State Police. 
Information from that registry can be made available by court order or as part of a confidential 
investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from 
serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" 
form. I agree to undergo drug testing through urinalysis as part of the academy training program.

<table>
<thead>
<tr>
<th>Signature of Trainee</th>
<th>Date</th>
<th>Signature of Witness</th>
<th>Date</th>
</tr>
</thead>
</table>
ATTACHMENT C

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, ____________________________, understand that as part of my employment with ____________________________, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the above listed department.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I refuse to undergo testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

_________________________   _____________   ___________________________   _____________
Signature of Officer        Date              Signature of Witness         Date
ATTACHMENT D

DRUG TESTING MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please carefully complete the information below.

Check all that apply:

___ A. During the past 14 days I have taken the following medication prescribed by a physician:

<table>
<thead>
<tr>
<th>Name of Medication</th>
<th>Prescribing Physician</th>
<th>Date Last Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
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<tr>
<td>2</td>
<td></td>
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<tr>
<td>3</td>
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</tbody>
</table>

___ B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

<table>
<thead>
<tr>
<th>Name of Medication</th>
<th>Date Last Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
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<tr>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

___ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

________________________________________  ______________
Social Security Number and Initials        Date
drug testing-law enforcement officer

attachment e

directions to

state toxicology laboratory
edwin h. albano institute of forensic science (ifs)
325 norfolk street
newark, new jersey
973-648-3815

from garden state parkway north:
1. take exit 144, south orange avenue.
2. make a right on south orange avenue.
3. continue about 25 blocks to intersection at bergen street (umdnj campus is on left.)
4. continue down south orange avenue past traffic light to driveway on left before two story brick building (ifs).

from garden state parkway south:
1. take exit 145, east orange.
2. take 1-280 east to first exit (newark).
3. make a right on first street. this becomes bergen street.
4. continue to fifth traffic light at south orange avenue.
5. make a left.
6. continue down south orange avenue past traffic light to driveway on left before two story brick building (ifs).

from new jersey turnpike north:
1. take exit 14, newark.
2. after toll plaza, take 1-78 west (express or local).
3. take exit 56, hillsdale avenue.
4. continue on hillsdale avenue to end at avon avenue.
5. make left on avon avenue.
6. continue one block to traffic light on irvine turner blvd.
7. make right on irvine turner blvd. (which becomes jones st.) and continue to traffic light at south orange avenue.
8. turn left and enter first driveway on right behind two story brick building (ifs).

from new jersey turnpike south:
1. take exit 15w to 1-280 west to exit 14b, clifton avenue.
2. at the traffic light, make a left.
3. continue on clifton avenue to eighth traffic light at south orange avenue and norfolk street.
4. turn right and enter first driveway on right behind two story brick building (ifs).
## ATTACHMENT F

**NOTIFICATION TO THE CENTRAL DRUG REGISTRY**

### AGENCY SUBMITTING

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>PHONE</th>
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<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
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<table>
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<tr>
<th>CONTACT PERSON</th>
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<th>PHONE</th>
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### PERSON TO BE ENTERED

<table>
<thead>
<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>INITIAL</th>
<th>GENDER</th>
<th>RACE</th>
<th>EYE COLOR</th>
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<th>ZIP</th>
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<th>DOB</th>
<th>SSN</th>
<th>SBI NUMBER (IF KNOWN)</th>
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### REASON FOR NOTIFICATION

- [ ] TESTED POSITIVE FOR [IDENTIFY SUBSTANCE]
- [ ] REFUSED TO SUBMIT A URINE SAMPLE

<table>
<thead>
<tr>
<th>DATE OF THE DRUG TEST OR REFUSAL</th>
<th>DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY</th>
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</table>

### CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)

I hereby affirm that the above information is true and correct to the best of my knowledge.

______________________________
Print Name

______________________________
Title

______________________________
Signature

Sworn and subscribed before me this __________ day of __________, __________

(Seal)
ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2018-2

TO: All Law Enforcement Chief Executives

FROM: Gurbir S. Grewal, Attorney General

DATE: March 20, 2018

SUBJECT: Statewide Mandatory Random Drug Testing

1. Background

The Attorney General is responsible for ensuring that law enforcement provides the highest level of service to the public, and that all officers have the physical and mental capacity to perform their duties safely and effectively. An officer’s life, the lives of fellow officers, and the lives of the public depend on the officer’s alertness and ability to make rational decisions unaffected by illegal drug use.

Testing of law enforcement officers in New Jersey for illegal drug use is governed by the Attorney General’s Law Enforcement Drug Testing Policy (hereinafter “AG Testing Policy”). Established in 1986, the AG Testing Policy has been reviewed and updated regularly over the years since its issuance. The AG Testing Policy already requires the testing of applicants and trainees for law enforcement positions. It further requires all law enforcement officers be tested if reasonable suspicion exists that they are using drugs illegally.

For the past 20 years, the AG Testing Policy has encouraged, but not required, law enforcement agencies to adopt a random drug testing component to departmental drug testing policies. Because illicit drug use can be hidden, random drug testing provides an objective procedure to test for violations of a department’s drug policy. At the same time, the AG Testing Policy recognizes the importance of working with unions and governing bodies to ensure that privacy and collective bargaining interests are protected when implementing a random drug testing process.

Some County Prosecutors already mandate random drug testing in each police department within their jurisdiction and a significant number of police departments in New Jersey presently conduct random drug testing of their officers. To ensure that all law enforcement agencies are employing random drug testing and doing so in a consistent manner,
this Directive establishes a uniform policy requiring that all law enforcement agencies statewide conduct mandatory random drug testing of all sworn officers.

Therefore, pursuant to the authority granted to me 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, I, Gurbir S. Grewal, hereby DIRECT all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the following policies, procedures, standards, and practices.

II. Implementation

A. Applicability

This Directive shall apply to all state, county, and municipal law enforcement agencies and sworn officers who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C:39-6. Applicants for a position as a law enforcement officer and law enforcement trainees shall continue to be subject to drug testing, as set forth in the AG Testing Policy.

B. Establishment of Random Drug Testing Policy

All state, county, and municipal law enforcement agencies shall adopt and/or revise their existing drug testing policies, consistent with this Directive, either by rule, regulation, or standard operating procedure ("SOP"), as required by state law.

C. Frequency and Number of Officers to be Tested

Each agency in its policy shall delineate the frequency and number of officers to be selected for random drug testing. At a minimum, random drug testing shall be conducted at least once in the remainder of 2018 and at least twice in every subsequent calendar year. At least 10 percent of the total number of sworn officers within an agency shall be randomly tested each time.

D. Notification of Random Drug Testing Policy

Each agency shall notify all sworn officers of the implementation of a random drug testing policy. The notification shall indicate that, upon an initial positive result, the officer shall be suspended immediately from all duties. The notification also shall indicate that, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, the officer shall be reported to the Central Drug Registry maintained by the State Police, and the officer shall be permanently barred from future law enforcement employment in New Jersey.
E. Continuation of AG Testing Policy Procedures

Each agency shall ensure that its random drug testing policy is consistent with the procedures set forth in the AG Testing Policy including:

1. Specimen Acquisition Procedures (Section IV);
2. Submission of Specimens for Analysis (Section V);
3. Analysis of Specimens (Section VI);
4. Drug Test Results (Section VII);
5. Consequences of a Positive Test Result (Section VIII);
6. Consequences of a Refusal to Submit to a Drug Test (Section IX);
7. Resignation/Retirement in lieu of Disciplinary Action (Section X);
8. Record Keeping (Section XI); and
9. Central Drug Registry (Section XII).

F. Notification to County Prosecutor

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 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.

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.

G. Annual Report to Attorney General

By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice’s Prosecutors’ Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor’s supervision that are in compliance with this Directive and those that are not. The summary shall not reveal any subject officer’s identity.

III. Public Accessibility and Confidentiality

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. Annual reports from the County Prosecutors to the Attorney General (as required by Section II.G, above) also shall be made available to the public upon request and shall be posted on the agency’s website.

All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.
IV. Effective Date

This Directive shall take effect immediately upon issuance. All drug testing policies shall be adopted and/or revised in accordance with this Directive within 30 days. The AG Testing Policy will be updated to conform with this Directive within 30 days.

Gurbir S. Grewal
Attorney General

ATTEST:

Elie Honig
Director, Division of Criminal Justice

Issued on: March 20, 2018
SOMERSET COUNTY PROSECUTOR’S OFFICE
COUNTY GENERAL ORDER

VOLUME: 8  CHAPTER: 2  # OF PAGES: 3

SUBJECT: DRUG TESTING POLICY FOR SOMERSET COUNTY LAW ENFORCEMENT AGENCIES

EFFECTIVE DATE: May 9, 2018  ACCREDITATION STANDARDS:

REVISION DATES:

BY THE ORDER OF: Michael H. Robertson, Prosecutor

SUPERSEDES ORDER #: SCPO Operations Order # 2001-6, Somerset County’s Law Enforcement Drug Testing Policy

PURPOSE

The purpose of this general order is to provide all Somerset County Law Enforcement Agencies and officers with notice of the provisions of the Attorney General’s Law Enforcement Drug Testing Policy as amended April 2018 (the A.G. Policy) and the Attorney General Law Enforcement Directive 2016-2 Statewide Mandatory Random Drug Testing (the Directive). The critical mission of law enforcement justifies maintenance of an illegal drug free work environment through the use of a reasonable employee drug-testing program.

The law enforcement profession has several uniquely compelling interests that justify the use of officer drug-testing. The public has a right to expect that those who are tasked with the responsibility to protect them and provide critical mission support for all Somerset County Law Enforcement Agencies are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of illegal controlled substances and other forms of illegal drug abuse will seriously impair an officer’s physical and mental health, and thus, their job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by illegal drug use.
POLICY

In order to ensure the integrity of all Somerset County Law Enforcement Agencies and to preserve public trust and confidence in a fit and drug-free law enforcement profession, all Somerset County Law Enforcement Agencies and officers shall adhere to the policies, procedures and provisions of the Attorney General’s Law Enforcement Drug Testing policy, as amended April 2018, Attorney General’s Law Enforcement Directive 2018-2, Attorney General Internal Affairs Policy and Procedures revised July, 2014, this general order and any future revisions of the above mentioned documents. All procedures and policies previously employed that are in conflict with the aforementioned documents are hereby rescinded.

ADDITIONAL POLICY REQUIREMENTS

In addition to adhering to the above policy, all Somerset County Law Enforcement Agencies and officers shall adhere to the following enhanced procedures.

1. **Random Selection Process** – The date and time of a random test shall not be made known to the officers in the agency until immediately prior to the test. There shall be no advanced notification that would allow an officer to be absent from or create the ability to defraud the administration of the test. See the A.G. Policy, Section II.C.1.

2. **Individual Selected for Random Drug Testing Not Available** - In the event that an individual is randomly selected for drug testing and they are not available, (i.e., vacation, sick or other short term absence), they will provide a specimen to be tested to the monitor on their next working day. If the individual who has been randomly selected is on extended leave, (i.e., sick or medical leave, suspension, terminal leave, etc.), an alternate individual will be randomly selected to replace said officer. See the A.G. Policy, Section II.C.1.

3. **Monitoring the Process** – The process (random selection of names) shall be monitored and witnessed by up to two (2) representatives from the agency's bargaining units, the chief executive officer of the agency or his/her designee in their absence and a superior officer from that agency. The chief executive officer may also include another member of that agency of his/her choosing. After the random selections have been made, and prior to the names of the officers selected revealed, all observers to the process will leave the room with the exception of two (2) individuals, those being the chief executive officer and one (1) person of his/her choosing. These individuals are required to notify the officers selected for testing and to adhere to the provisions of the A.G. Policy, the Directive and this Policy concerning confidentiality of the officers selected to be tested. Failure to do so will subject the person breaking that confidentiality to discipline. See the A.G. Policy, Section II.C.1.

4. **Employment Status** – Testing of sworn law enforcement officers is the responsibility of the employing agency and shall include any officers who are temporarily assigned to other agencies, task forces, teams or the like. Said temporarily assigned officers shall therefore be included with every other officer employed by the testing agency as a potential officer to be randomly tested. It is not the responsibility of the agency to which the officer is temporarily assigned to include that assigned officer in its pool of sworn officers subject to random testing. It is the responsibility of the agency to which the officer is temporarily assigned to make that officer available to his/her agency if the assigned officer requests it.
officer is randomly chosen by his/her agency to be drug tested. It is also the responsibility of the agency to which the officer is temporarily assigned to report any behavior or other facts to the assigned officer's agency that could result in reasonable suspicion to believe that the assigned officer is engaged in the illegal use of controlled substances.