

WARREN COUNTY PROSECUTOR'S OFFICE POLICY AND PROCEDURE MANUAL



GENERAL ORDER MANDATORY DRUG TESTING	NUMBER: Volume 1 / Chapter 14	EFFECTIVE DATE: October 1, 2018
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REVISIONS

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PURPOSE: The purpose of this general order is to establish guidelines for the mandatory random drug testing of the Warren County Prosecutor's Office law enforcement personnel and employees authorized to carry under the RPO permit, so that this agency is in compliance with the NJ Attorney General's Law Enforcement Directive 2018-02 (Statewide Mandatory Random Drug Testing Policy).

POLICY: It is the policy of the Warren County Prosecutor's Office (WCPO) to conduct drug testing of sworn law enforcement officers, law enforcement officer trainees, and applicants for law enforcement officer employment in order to maintain professional standards of performance and to help ensure the trust of the community in those who enforce the law.

I. 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 ("Applicants");
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course ("Trainees");
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 ("Sworn Officers").
4. This General Order does not apply to civilian employees of the Warren County Prosecutor's Office unless authorized to carry a firearm pursuant to the RPO program. However, as per the Warren County Drug-Free Workplace Policy, this does not preclude drug/alcohol testing

for civilians, for the following reasons: Pre-employment; Post-accident, Reasonable Suspicion and Follow-up testing (See Warren County Drug-Free Workplace Policy Rev. 18 December 2015)

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 sworn officer testing. Testing is required of all police Applicants and Trainees. Sworn Law Enforcement Officers are subject to random drug testing. Further, Sworn Officers and trainees are subject to drug testing when there exists reasonable suspicion to believe that the Sworn Officer or Trainee is illegally using drugs.

1. Applicant Testing

- a. This General Order recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be tested as a condition of employment. Said drug testing may occur at any point during the pre-employment process.
- b. Applicants for employment may be tested as many times as the Warren County Prosecutor's Office deems necessary to ensure that Applicants are not engaged in the illegal use of drugs.
- c. 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.
- d. During the pre-employment process, the Warren County Prosecutor's Office will not make medical inquiries, to conform with the Americans with Disabilities Act. The medication information form attached to this General Order will NOT be used with Applicants, unless a positive test result requires an explanation by the prospective employee.

2. Trainee testing

- a. 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.
- b. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course.
- c. The drug testing of Trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
- d. Individual Trainees may also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the Trainee is illegally using drugs.
- e. 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 of Detectives, or the Academy Director.

3. Sworn Officer testing

- a. 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. (See Section C.1. for Random Selection definition)
- b. Sworn 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. A Sworn Officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Prosecutor or the Chief of Detectives.

- c. Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination, fitness for duty examination, and/or post motor vehicle accident under the requirements of the Warren County Drug-Free Workplace Policy. However, the collection and analysis of these specimens are not governed by this policy.

C. Types of Testing

1. Random Testing: Random selection is defined as a method of selection in which each and every sworn member of the Warren County Prosecutor's Office, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted. An officer selected on one or more previous occasions for random testing is thus not excused from future tests. The following general provisions shall apply to random drug testing under this policy:
 - a. Random selection will be conducted by utilizing a Microsoft Excel Program or other software and will utilize a double blind method of arbitrary numbers and the last four digits of a law enforcement officer's social security number.
 - b. The random number generator will be conducted by the Internal Affairs Officer and witnessed by a member of the WCPO bargaining unit executive board.
 - c. Once the arbitrary number is randomly selected, the corresponding social security number will be cross-referenced to the officer's name.
 - d. The selection process will be documented in a written report prepared by the Internal Affairs Officer, who shall store the report in the Internal Affairs File.
 - e. No random drug testing shall take place under this General Order during the first sixty (60) days following the effective date of this policy.
 - f. Thereafter, random drug testing shall be conducted at least once in the remainder of 2018, and at least twice in every subsequent calendar year.
 - g. All Sworn Officers of the Warren County Prosecutor's Office are eligible for random drug testing, regardless of rank or assignment.
 - h. The number of law enforcement officers to be selected each time a random selection takes place shall equal 10% of the total number of sworn officers employed by the Warren County Prosecutor's Office. If the application of the percentage results in a fraction of a whole number of officers, the fraction shall be rounded to the nearest whole number and the result shall be the number of officers to be selected.
 - i. Beginning in 2019, random selection will take place twice per year on dates chosen by the Chief of Detectives. There will be no prior notice given of the dates of the selection process or the collection of the samples.
 - j. Any member or employee of the Warren County Prosecutor's Office who discloses the identity of a law enforcement officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, shall be subject to discipline up to and including termination.
 - k. Collection of urine specimens from selected law enforcement officers shall occur in a prompt, efficient and confidential manner in accordance with the below provisions.
 - l. Upon an initial positive result, the officer providing the specimen that tested positive shall be suspended immediately from all duties:
 - (1) Upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer.
 - (2) The officer shall be reported to the Central Drug Registry maintained by the State Police.

- (3) The officer shall be permanently barred from future law enforcement employment in New Jersey.
- m. Any officer who refuses to submit to a drug test when randomly selected is subject to the same penalties as those officers who test positive for the illegal use of drugs.
- n. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for random drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.
- o. In the event that one or more of the randomly selected personnel are not available on the date that the list was selected, said lack of availability to be based on good cause shown as confirmed by the Chief of Detectives in his discretion, then the following shall apply:
 - (1) The Internal Affairs Supervisor shall test the employee/employees at the earliest time available after the employee returns to work.
 - (2) The Chief of Detectives has the discretion to excuse a selected employee on a case-by-case basis if the employee is absent due to military or an extended injury leave.
 - (3) Any pending selection list shall expire at such time as the next random test is administered, notwithstanding that personnel from the previous list have not been tested due to unavailability or excusal.

2. Reasonable Suspicion

- a. Agencies shall undertake drug testing when there is reasonable suspicion to believe a Sworn 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 the individual Sworn Officer to be tested is involved in that drug activity.
- b. 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 will be evaluated to determine the quality and relevance of the information acquired by the Warren County Prosecutor's Office with respect to suspected illegal use of drugs by a Sworn Officer:
 - (1) The nature and source of the information.
 - (2) Whether the information constitutes direct evidence or is hearsay in nature.
 - (3) The reliability of the informant or source.
 - (4) Whether corroborating information exists and the degree to which it corroborates the accusation.
 - (5) Whether and to what extent the information may be stale.
 - (6) Before the Prosecutor or the Chief of Detectives orders an individual Sworn Officer to undergo reasonable suspicion testing.
 - (a) The Internal Affairs Detective shall prepare a written report documenting the basis for the test.
 - (b) The report shall be reviewed by the Prosecutor or the Chief of Detectives before a reasonable suspicion test is ordered.
 - (c) Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.

II. Notification of Drug Testing Procedures

A. Applicants

1. Applicants must be notified that the pre-employment process will include drug testing.
2. The notification must 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.
 - 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.
 - d. 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 the State of New Jersey.
 - e. 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 the State of New Jersey.

B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. Result in the Trainee being dismissed from basic training.
 - b. Trainee's termination from employment.
 - c. Inclusion of the Trainee's name in the central drug registry maintained by the Division of State Police.
 - d. The Trainee being permanently barred from future law enforcement employment in the State of New Jersey.
 - e. In addition, the notification will indicate 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 the State of New Jersey and inclusion of the Trainee's name in the central drug registry maintained by the Division of State Police.

C. Sworn Officers

1. All sworn members of the Warren County Prosecutor's Office are hereby notified that individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the Sworn Officer is illegally using drugs, and that all officers shall be subject to mandatory random drug testing in pursuant to AG Directive 2018-2.
2. A negative result is a condition of employment as a Sworn Officer and a positive result will result in:
 - a. The Sworn Officer's termination from employment.
 - b. Inclusion of the Sworn Officer's name in the central drug registry maintained by the Division of State Police.
 - c. The Sworn Officer being permanently barred from future law enforcement employment in the State of New Jersey.

- d. Sworn Officers who refuse to submit to a drug test based on reasonable suspicion or random drug testing after lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs.
- e. A Sworn 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.

III. Specimen Acquisition Procedures

A. Preliminary acquisition procedures

1. The Chief of Detectives shall designate a male law enforcement officer of the Warren County Prosecutor's Office to serve as monitor of the specimen acquisition process with respect to male law enforcement officers and a female law enforcement officer shall serve as monitor of the specimen acquisition process with respect to female law enforcement officers.
2. In the event there is no same-sex monitor available from the Warren County Prosecutor's Office, a monitor from another law enforcement agency may be requested to serve as monitor of the process.
3. Prior to the submission of a specimen, an Applicant shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). Applicants are not required to complete a Drug Testing Medication Information form at this time.
4. Prior to the submission of a urine specimen, a Trainee enrolled in a basic training course shall execute a form (Attachment B). Trainees shall also complete a Drug Testing Medication Information Form (Attachment D) listing all medications, both prescription and over-the-counter (non-prescription), as well as dietary and nutritional supplements that were ingested by the Trainee in 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.
5. Prior to the submission of a urine specimen, Sworn Officers shall execute a form (Attachment C). Sworn Officers shall also complete the Drug Testing Medication Information form (Attachment D) listing all medications, both prescription and over-the-counter (non-prescription), as well as dietary and nutritional supplements that were ingested by the Sworn Officer in 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 will a specimen be collected and

submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. Warren County Prosecutor's Office will contact the Laboratory and obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.

e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology Laboratory.

2. In order to ensure the accuracy and integrity of the collection process a monitor may:

a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters, etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.

b. Add tinting agents to the 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 proves 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.

8. The monitor must follow the "shy bladder" procedure for donors that are unable to produce an adequate amount of urine (see 'D' below).

9. The monitor checks each specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes. A color change between 90 degrees and 100 degrees 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.

10. If the monitor is satisfied that all test requirements are met and that the required documentation is accurate, he/she shall request the donor to seal the specimen containers.
11. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner. (See Section IV. Below)

D. "Shy Bladder" procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor will 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 Warren County Prosecutor's Office.
3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The Warren County Prosecutor's Office is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance.
 - b. The Warren County Prosecutor's Office notifies the donor that the first specimen tested positive for a controlled substance.
 - c. The Warren County Prosecutor's Office is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive result.
 - d. 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. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
 - e. 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.
 - f. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to Warren County Prosecutor's Office, and to the medical review officer at NJSTL.

IV. Submission of Specimens for Analysis

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests under this policy.
- B. Urine specimens shall 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 specimen shall be stored 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 will be accomplished by personnel from the Warren County Prosecutor's Office delivering the specimens to the State Toxicology Laboratory.
- D. All specimens shall be accompanied by the Law Enforcement Drug Testing Custody and Submission Form, obtained from the lab, and the sealed envelope containing the Medication Information Form.
- E. Failure to submit proper documentation or evidence of damage or tampering may result in a delay or rejection for analysis.

V. 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 specimen, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports.
- B. The State Toxicology Laboratory shall screen each specimen for the following substances and their metabolites:
 - 1. Amphetamines
 - 2. Barbiturates
 - 3. Benzodiazepine
 - 4. Cocaine
 - 5. Marijuana
 - 6. Methadone
 - 7. Opiates
 - 8. Oxycodone/Oxymorphone
 - 9. Phencyclidine
- C. The Chief of Detectives, in his discretion, may additionally request that the specimen be analyzed for the presence of steroids.
- D. The State Toxicology Laboratory uses 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 substances listed above 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.
- E. 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 substance listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the medical information form. In such an event, the Chief of Detectives will ensure the information is promptly obtained from the individual being tested and provide a response to the State Toxicology Laboratory. Should the individual being tested fail or refuse to promptly provide the additional information requested by the laboratory, said failure shall constitute a refusal to take the drug test and shall incur the consequences set forth in this policy for refusals. 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.

- F. 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 Warren County Prosecutor's Office, following notification from the State Toxicology Laboratory, will have the Applicant complete the Drug testing Medication Information Form (Attachment D). Once the form has been completed, the Warren County Prosecutor's Office will transmit the form to the laboratory. Should the individual being tested fail or refuse to promptly provide the additional information requested by the laboratory, said failure shall constitute a refusal to take the drug test and shall incur the consequences set forth in this policy for refusals. A review of the form will be conducted by the medical review officer as outlined above.
- G. 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 reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VI. Drug Test Results

- A. The State Toxicology Laboratory will notify the Warren County Prosecutor's Office of test results from every specimen submitted for analysis. All reports will be in writing and all efforts will be made to deliver these reports to the Warren County Prosecutor's Office 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. At this point, it is the responsibility of the Warren County Prosecutor's Office 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.
- 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.
- D. The Warren County Prosecutor's Office will notify the sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.

VII. 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 Warren County Prosecutor's Office.
 - 2. The Applicant shall be reported to the Central Drug Registry maintained by the Division of State Police, by the Warren County Prosecutor's Office.
 - 3. The Applicant shall be precluded from consideration for law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - 4. Where the Applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a Trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The Trainee shall be immediately dismissed from basic training and suspended from employment by the Warren County Prosecutor's Office.
 - 2. The Trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the Warren County Prosecutor's Office.
 - 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 the State of New Jersey.
- C. When a Sworn Officer tests positive for illegal drug use under this policy:
 - 1. The Sworn Officer shall be immediately suspended from all duties.
 - 2. The Sworn Officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer with the Warren County Prosecutor's Office.
 - 3. The Sworn Officer shall be reported by the Warren County Prosecutor's Office to the Central Drug Registry maintained by the Division of State Police.
 - 4. The Sworn Officer shall be permanently barred from future law enforcement employment in New Jersey.
 - 5. The Chief of Detectives or a person he/she designates shall provide a confidential written notice of the positive test result to the Prosecutor or his/her designee within 10 days and, upon completion of any disciplinary action, shall report the discipline to the County Prosecutor or his/her designee.

XIII. 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:
 - 1. Shall be immediately removed from consideration for law enforcement employment.
 - 2. Shall be barred from consideration for future law enforcement employment for a period of two years from the date of the refusal.
 - 3. The Warren County Prosecutor's Office will forward the officer'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:
 - 1. Shall be immediately removed from the academy.

2. Shall be immediately suspended from employment.
 3. Upon a finding that the Trainee did in fact refuse to submit a sample, the Trainee shall be terminated from law enforcement employment.
 4. Upon a finding that the Trainee did in fact refuse to submit a sample, the Trainee shall also be permanently barred from future law enforcement employment in New Jersey.
 5. The Warren County Prosecutor's Office will forward the Trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. A Sworn Officer who refuses to submit to a drug test ordered in response to reasonable suspicion or random selection:
1. Shall be immediately suspended from employment.
 2. Upon a finding that the officer did in fact refuse to submit a sample, the Sworn Officer shall be terminated from law enforcement employment.
 3. Upon a finding that the Sworn Officer did in fact refuse to submit a sample, the Sworn Officer shall also be permanently barred from future law enforcement employment in New Jersey.
 4. The Warren County Prosecutor's Office will forward the Sworn Officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
 5. The Chief of Detectives or a person he/she designates shall provide a confidential written notice of the refusal to the Prosecutor or his/her designee within 10 days and, upon completion of any disciplinary action, shall report the discipline to the County Prosecutor or his/her designee.
 6. When there is no valid reason why an officer cannot produce a specimen for a drug test or a sworn officer resigns or retires after receiving a lawful order to submit a urine specimen for testing and does not produce a specimen; in both instances the officer shall be deemed to have refused to submit to the drug test.

IX. Resignation/Retirement in Lieu of Disciplinary Action

- A. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Warren County Prosecutor's Office to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- B. The Chief of Detectives or a person he/she designates shall provide a confidential written notice of the resignation or retirement to the Prosecutor or his/her designee within 10 days and, upon completion of any disciplinary action, shall report the discipline to the County Prosecutor or his/her designee

X. Record Keeping

- A. The Warren County Prosecutor's Office's Internal Affairs Officer shall maintain all records relating to the drug testing of Warren County Prosecutor's Office Applicants, Trainees, and Sworn Law Enforcement Officers.
- B. The Warren County Prosecutor's Office's drug testing records shall include but not be limited to:
 1. The identity of those ordered to submit urine samples
 2. The reason for that order
 3. The date the urine was collected
 4. The name of the monitor of the collection process

5. 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
 6. The results of the drug testing
 7. Copies of notification to the subject
 8. 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.
 9. for any positive result or refusal, appropriate documentation of disciplinary action
- C. For random drug testing, the records will also include the following information:
1. A description of the process used to randomly select officers for drug testing.
 2. The date selection was 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.
 5. The date(s) those officers were tested.
- D. 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.

XI. Central Drug Registry

- A. The Warren County Prosecutor's Office shall notify the Central Drug Registry maintained by the Division of State Police of the identity of any Warren County Prosecutor's Office Applicant, Trainee, or Sworn Law Enforcement Officer who tests positive for the illegal use of drugs or refuses 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 the Central Drug Registry and shall be permanently barred from future law enforcement employment in the State of 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
 13. Whether the individual was an Applicant, Trainee or Sworn Law Enforcement Officer
- D. The certification section of the notification form will be completed by the Chief of Detectives, 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.
2. In response to a court order.

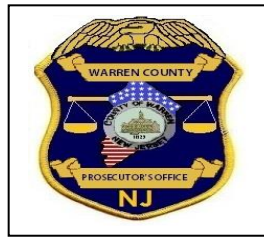
XII. Annual report to County Prosecutor

By December 31st of each year, the Chief of Detectives or designee shall provide written notice to the Prosecutor or his/her designee of the dates of drug testing of sworn law enforcement officers conducted during the prior year, the total number of sworn law enforcement officers employed by the agency, the total number of sworn law enforcement officers tested, and the total number of sworn officers who tested positive for illegal use of drugs.

XIII. Public Accessibility and Confidentiality

All random drug testing policies adopted by law enforcement agencies are required to be made available to the public upon request and to be posted on the agency's website. Accordingly, the Warren County Prosecutor's Office will provide a copy of this policy to any member of the public upon request, and will maintain a digital copy of the policy on the Office's website.

All written reports created or submitted pursuant to this policy and/or Directive No. 2018-2 that identify specific law enforcement officers are confidential and not subject to public disclosure.



**DRUG TESTING
APPLICANT NOTICE AND ACKNOWLEDGMENT**

I, _____, understand that as part of the pre-employment process, the Warren County Prosecutor's Office 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 for employment.

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

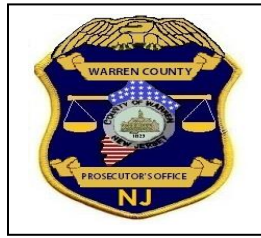
I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential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



**DRUG TESTING
TRAINEE NOTICE AND ACKNOWLEDGEMENT**

I, _____, understand that as part of the program of training at _____, 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.

Signature of Applicant

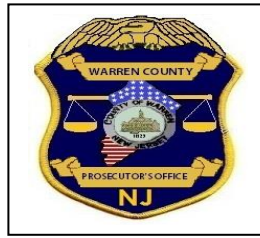
Signature of Witness

Applicant Name

Name of Witness

Date

Date



**DRUG TESTING
OFFICER NOTICE AND ACKNOWLEDGMENT**

I, _____ understand that as part of my employment with the Warren County Prosecutor's Office, 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 Applicant

Date

Signature of Witness

Date



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 last fourteen (14) days I have taken the following medication prescribed by a physician:

<u>Name of Medication</u>	<u>Prescribing Physician</u>	<u>Date Last Taken</u>

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

<u>Non Prescription Medication</u>	<u>Date Last Taken</u>

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

Social Security Number & Initials

Date

Name and Signature of Witness

Date