

CAPE MAY COUNTY PROSECUTOR'S OFFICE					
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SUBJECT: DRUG TESTING					
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UNDER THE AUTHORITY OF: Prosecutor Jeffrey H. Sutherland					
BY THE ORDER OF: Chief Paul S. Skill					
SUPERSEDES ORDER #:					

PURPOSE: The purpose of this policy is to provide the Cape May County Prosecutor's Office officials with uniform guidelines and standard operating procedures for Prosecutor's Office personnel drug testing.

POLICY: It is the policy of the Cape May County Prosecutor's Office that drug tests will be conducted of all law enforcement trainees while attending a mandatory basic training course and of all law enforcement officers, trainees, and officers of the Court, when reasonable suspicion exists to believe the use of drugs illegally. Random drug tests will be conducted in accordance with the random drug screening program established in the following procedures. In all cases, drug testing will be consistent with the provisions of the Attorney General's Law Enforcement Drug Testing Policy and the following procedures.

DEFINITIONS:

Applicant - persons who apply 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

Law Enforcement Trainee - persons who are subject to the Police Training Act while they attend a mandatory basic training course or waiver course.

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

Officer of the Court - sworn officers of the Court, responsible for the prosecution of criminal cases. For the purposes of this policy, Officer of the Court includes the County Prosecutor and Assistant Prosecutors of this Office.

Random Selection - 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.

I. PROCEDURES

A. Applicability

1. **Applicants** will be required to submit a urine specimen at any point in the pre-employment process. Additionally, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicant is not engaged in the illegal use of drugs. The medication information form will not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.
2. **Law Enforcement Trainees** will be required to submit one or more urine specimens for testing while they attend the course. The drug testing of law enforcement trainees will be conducted by the academy staff under rules and regulations adopted by the Police Training Commission. Individual trainees will also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe the trainee is illegally using drugs. A drug test based on reasonable suspicion will only be ordered of a trainee with the prior review of the County Prosecutor or his designee.
3. **Sworn Law Enforcement Officers** can be ordered to submit a urine specimen for drug testing under the following circumstances:
 - a. Urine specimens **will** be ordered, with the prior review of the County Prosecutor or his designee and Chief of Detectives of the agency where the officer is employed, when there exists reasonable suspicion to believe that the officer is illegally using drugs.
 - b. Urine specimens **will** be ordered from officers who have been randomly selected.
 - c. Urine specimens **will** be collected 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.

NOTE: THE COUNTY PROSECUTOR AND ASSISTANT COUNTY PROSECUTORS WILL BE SUBJECT TO THE REASONABLE SUSPICION AND RANDOM DRUG TESTING PROCEDURES OF THIS POLICY.

B. Notification of Drug Testing

1. Applicants

- a. The Cape May County Prosecutors Office will notify applicants that the pre-employment process will include drug testing. The notification must indicate that a negative result is a condition of employment and that a positive result will cause:
 - 1.) the applicant being dropped from consideration for employment; and
 - 2.) cause the applicant's name to be reported to the central drug registry maintained by the Division of the State Police; and
 - 3.) preclude the applicant from being considered for future law enforcement for a period of two years.
- b. 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.

2. Trainees.

- a. All trainees will be informed that drug testing is mandatory during basic training and waiver training. Trainees will also be informed that a negative result is a condition of employment and that a positive result will cause:
 - 1.) the officer's termination from employment; and
 - 2.) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and
 - 3.) the officer being permanently barred from future law enforcement in New Jersey.
- b. Trainees will be further informed that the refusal to submit to a drug test will result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

- c. The Cape May County Police Academy and DCJ Academy will include in its Rules and Regulations a provision implementing drug testing during basic training or waiver training.

3. Sworn Law Enforcement Officers of the Court - Reasonable Suspicion Testing

- a. It is the policy of the Cape May County Prosecutor's Office that individual law enforcement officers along with officers of the court will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs. Reasonable suspicion "requires objective facts which, with inference, 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."
- b. The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
 - 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; and
 - 5. Whether and to what extent the information may be stale.
- c. Before a sworn officer or an officer of the court may be ordered to submit to a drug test based on reasonable suspicion, the agency will prepare a written report which documents the basis for the reasonable suspicion. The report will be reviewed by the County Prosecutor and the Chief of Detectives before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
- d. A negative result is a condition of employment as a sworn officer or an officer of the court and that a positive result will cause:
 - 1.) the officer's termination from employment; and
 - 2.) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and

3.) the officer being permanently barred from future law enforcement employment in New Jersey.

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

4. Sworn Law Enforcement Officers: Random Drug Testing Program.

- a. All law enforcement and officers of the court in the agency are eligible for random drug testing, regardless of rank or assignment.

- b. The random selection **for basic drug testing** will occur **twice** annually, at a minimum. The Chief of Detectives will cause a minimum of ten percent of the law enforcement officers in their agency to be randomly selected after certifying the list of eligible officers. The random selection will occur before each of the bi-annual testing and will always be a minimum of ten percent of the law enforcement and officers of the court.

1.) The selection process will be conducted by the Cape May County Prosecutor's Office Captain of County Detectives. Random selection will be made by using a computer program utilizing employee social security numbers provided by the Professional Standards Unit. The list of social security numbers will then be randomized and a minimum of ten percent selection of officers will be certified by the Professional Standards Unit.

2.) The process will be done in its entirety each and every time a selection takes place, with no regard to previous selections, rank, or assignment.

3.) One representative of the collective bargaining unit representing the law enforcement officers and court officers will be invited to witness the selection process.

4.) Any employee of the agency who discloses the identity of an individual 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 disciplinary action.

- c. A random selection for steroid drug testing will occur twice annually, at a minimum, and will occur when the Chief of Detectives causes the random selection for basic drug testing.

One employee from the agency will be selected from the randomly selected list of employees generated for basic drug testing. The employee who falls in the top position of the randomly selected list will be tested for steroids.

C. Specimen Acquisition Procedures

1. Preliminary acquisition procedures

- a. The Cape May County Prosecutor's Office will designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor will always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- b. The monitor of the specimen acquisition process will be responsible for:
 - 1.) Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
 - 2.) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms will be identified through the process by the use of social security numbers. At no time will a name appear on any form or specimen containers sent to the State Toxicology Laboratory.
 - 3.) Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
 - 4.) Specimens will 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. 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.
 - 5.) Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology Laboratory.
- c. Prior to the submission of a specimen, an applicant for a law enforcement position will execute a form for the collection and analysis of their urine for illegal drugs. (Attachment A)
The form will also advise the applicant that a negative result is a condition of employment and that a positive result will result in:
 - 1.) the applicant being dropped from consideration for employment; and

2.) the applicant's name will be reported to the central drug registry maintained by the Division of State Police; and

3.) preclude the applicant from being considered for future law enforcement employment for a period of two years.

Applicants will not be required to complete a medical questionnaire (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the law enforcement agency receives a report indicating that the specimen tested positive for a controlled substance.

d. Prior to the submission of a urine specimen, a trainee enrolled in a basic or waiver training course will 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:

1.) the trainee will be dismissed from basic or waiver training; and

2.) the trainee will be dismissed from employment as a law enforcement officer by his or her appointing authority;

3.) the trainee's name will be reported to the central drug registry maintained by the Division of State Police; and

4.) the trainee will be permanently barred from future law enforcement employment in New Jersey.

The form will also advise trainees that the refusal to participate in the test process carries the same administrative penalties as testing positive. Trainees will also complete a medical questionnaire (Attachment D) which clearly describes all medications, both prescription and over-the-counter (non-prescription) or supplements, that were ingested in the past 14 days.

e. Prior to the submission of a urine specimen, an officer will complete a form (Attachment C) advising the officer that a negative result is a condition of employment and a positive result will result in the consequences outlined in Section G of this policy. The form will also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn law enforcement officers will complete a medical questionnaire (Attachment D) which clearly describes all medications, both prescription and over-the-counter (nonprescription), that were ingested in the past 14 days.

2. Specimen collection

- a. Throughout the test process, the identity of individual applicants, trainees, sworn law enforcement officers and officers of the court will remain confidential. Individual specimens will be identified throughout the process by the use of social security numbers. At no time will an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory.
- b. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances may a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of the Cape May County Prosecutor's Office to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
- c. Urine specimens will be acquired and processed in accordance with procedures established by the State Toxicology Laboratory. The monitor may request the removal of outer clothing, empty their pockets and wash their hands under running water before they produce a specimen.
 - 1.) After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee, sworn officer or officers of the court will void into the specimen collection container.
 - 2.) After a specimen has been produced, the monitor will check each specimen for adequate volume and temperature (within 4 minutes). If the monitor is satisfied that all test requirements are met, person submitting the specimen will seal his or her specimen in the specimen container and deliver it to the monitor.
 - 3.) Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor will take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
- d. Persons giving a specimen will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. Law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process before there can be direct observation. Monitors may also add

tinging agents to the toilet water where specimens are to be collected prior to specimen collection.

e. Urine Specimen Collection Procedure

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The motor 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 social security number and the letter "A" below the SSN on one of the ID 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 the first specimen, respectively.
5. Next, using the ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second ID 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 45mL and 60mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
8. The monitor checks each specimen for adequate volume and temperature within four minutes. A color change between 90 and 100 degrees indicates an acceptable specimen temperature. The monitor indicated 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 will 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 New Jersey State Toxicology Laboratory.

- f. Persons giving a specimen who initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink up to 40 ounces of fluid in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen in a period of up to three hours, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

D. Second Specimen

- 1.) Trainees, sworn law enforcement officers and officers of the court will provide the monitor with a second urine specimen at the same time the first specimen is collected. 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 collected and submitted in the same fashion as the first specimen.
- 3.) The second specimen will be maintained at the State Toxicology Laboratory for a period of 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
- 4.) The second specimen will be released by the New Jersey State Toxicology Laboratory under the following circumstances:
 - a.) The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
 - b.) The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c.) The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested.
- 5.) The positive urine donor must designate, from a list maintained by the New Jersey State Toxicology Laboratory, 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.
- 6.) A representative of the second test laboratory, designated by the donor, may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
- 7.) Following testing of the second specimen, the independent laboratory will report the results of the second specimen drug test to the donor, to the submitting agency and to the medical review officer.

D. Submission of Specimens for Analysis

1. The State Toxicology Laboratory is the only facility for the analysis of law enforcement drug tests. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
2. Urine specimens should be submitted to the State Toxicology Laboratory within one working day of their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the law enforcement agency will store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
 - a. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier.
 - b. Should a law enforcement agency choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards must be taken:
 - 1.) All submissions must be by "next day delivery" and must be packaged to ensure their integrity.
 - 2.) In addition to the sealed container, all submissions must be packaged in a manner that includes two additional seals to provide for the integrity of the test specimens.

3.) 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 specimens until the missing documentation is submitted.

4.) The State Toxicology Laboratory must reject specimens that it has reason to believe have been subject to tampering or damage. The Laboratory will submit in writing the reason for rejection.

E. Analysis of Specimens

1. The State Toxicology Laboratory will utilize their test procedures to analyze urine specimens for basic drugs for law enforcement agencies. The analysis of each specimen will be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures will include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.
2. The State Toxicology Laboratory will analyze each specimen for the following substances and their metabolites:
 - 1.) amphetamine/methamphetamine;
 - 2.) barbiturates;
 - 3.) benzodiazepines;
 - 4.) marijuana;
 - 5.) cocaine;
 - 6.) methadone;
 - 7.) phencyclidine;
 - 8.) opiates; and
 - 9.) oxycodone/oxymorphone.
3. In the event a specimen is confirmed to be positive for a controlled substance, a medical review officer at the laboratory will compare the test results with the medical questionnaire submitted with the specimen to determine whether any

substance listed on the questionnaire would explain the test result. The medical review officer may direct the agency that collected the specimen to obtain further information from the individual being tested concerning the medications listed on the questionnaire. In the event the questionnaire does not explain the test result, the medical review officer will issue a report indicating that specimen tested positive.

4. Every law enforcement executive may request that one or more specimens be analyzed for the presence of steroids.
5. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for steroids for law enforcement agencies:
 - a. A specimen selected for steroid drug testing will first undergo basic drug testing. Following the completion of the basic drug testing process and regardless of the results of that process, the specimen will undergo testing for the presence of steroids. Steroid drug testing will be conducted according to procedures adopted by the State Toxicology Laboratory. To assist with the implementation and administration of the steroid drug testing process, the State Toxicology Laboratory may utilize the services of one or more clinical laboratories that provide steroid drug testing programs.
 - b. Should the State Toxicology Laboratory utilize a steroid drug testing program provided by another clinical laboratory, the State Toxicology Laboratory will follow accepted scientific and chain of custody procedures to ensure the integrity of the steroid drug test process. These procedures will encompass the preparation, packaging and referral of the specimen to the clinical laboratory.
 - c. Steroid drug test results generated by another clinical laboratory will be reported to the State Toxicology Laboratory for review. Should the State Toxicology Laboratory concur with the results reported by the clinical laboratory, the Laboratory will report the same to the subject officer's employing agency. The authority to issue reports concerning steroid drug testing to the subject officer's employing agency is expressly limited to the State Toxicology Laboratory.
 - d. Under no circumstances will an officer selected for random testing whose specimen is designated for steroid testing be required to provide an additional specimen to his or her agency to effectuate the steroid drug testing program.

F. Drug Test Results

1. The State Toxicology Laboratory will provide written test results for every specimen submitted from 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. The State Toxicology Laboratory will, upon request,

provide the submitting agency with written documentation, by certified mail, of a positive test result.

2. The State Toxicology 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 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.

3. 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.

G. Consequences of a Positive Test Result

1. When an applicant tests positive for illegal drug use:

- a. The applicant will be immediately removed from consideration for employment by the agency;
- b. The applicant will be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; and
- c. The applicant will be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
- d. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer will 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.

2. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

- a. The trainee will be immediately dismissed from basic training and suspended from employment by his or her appointing authority;
- b. The trainee will be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority;
- c. The trainee will be reported to the Central Drug Registry maintained by the Division of State Police; and

- d. The trainee will be permanently barred from future law enforcement employment in New Jersey.
3. When a sworn law enforcement or court officers test positive for illegal drug use:
 - a. The officer will be immediately suspended from all duties;
 - b. The officer will be terminated from employment as a law enforcement officer, upon final disciplinary action;
 - c. The officer will be reported to Central Drug Registry maintained by the Division of State Police by his or her employer; and
 - d. The officer will be permanently barred from future law enforcement employment in New Jersey.

H. Resignation/Retirement in Lieu of Disciplinary Action

A sworn law enforcement or court 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 prior to the completion of final disciplinary action, will be reported by their employer to the Central Drug Registry and will be permanently barred from future law enforcement employment in New Jersey.

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

1. Applicants who refuse to submit to a drug test during the pre-employment process will be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years. In addition, the appointing authority will forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
2. Trainees who refuse to submit to a drug test during basic training will 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 will be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority will forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
3. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection will be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer will be terminated from law enforcement employment and permanently

barred from future law enforcement employment in New Jersey. In addition, the appointing authority will forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

4. Officers of the court who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection will be immediately suspended from employment.

J. Record Keeping

1. The Cape May County Prosecutor's Office, Professional Standards Unit will maintain all records relating to the drug testing of applicants, trainees, law enforcement officers and court officers .

2. Each agency's drug testing records will include but need not be limited to:

a. For all drug testing:

- 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 monitor of the collection process; 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;
- 5.) the results of the drug testing;
- 6.) copies of notifications to the subject; and
- 7.) for any positive result or refusal, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
- 8.) for any positive result or refusal, appropriate documentation of disciplinary action.

b. 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; and
 - 5.) the date(s) those officers were tested.
3. Drug testing records will be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

K. Central Drug Registry

1. Every law enforcement agency will 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 refuses an order to submit a urine sample (Attachment F).
2. 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, will be reported by his or her employer to Central Drug Registry and will be permanently barred from future law enforcement employment in New Jersey.
3. Notifications to the Central Drug Registry will include the following information as to each individual:
 - a. name and address of the submitting agency;
 - b. name of the individual who tested positive;
 - c. last known address of the individual;
 - d. date of birth;
 - e. gender
 - f. race
 - g. eye color
 - h. social security number;
 - i SBI number (if applicable);

- j. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 - k. date of the drug test or refusal;
 - l. date of dismissal from the agency; and
 - m. whether the individual was an applicant, trainee or sworn law enforcement officer.
4. The certification section of the notification form must be completed by the chief and notarized with a raised seal.
5. Notifications to the central registry will be sent to:
- Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628
6. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
- a. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel.
 - b. In response to a court order

L. Annual Report to Attorney General

By January 31st of each year, the Cape May County Prosecutor will submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary will include a statement indicating the agencies within Cape May County that are in compliance with this Policy and those that are not. This summary will not reveal any subject officer's identity.

M. Public Accessibility and Confidentiality

All random drug testing policies adopted by the Cape May County Prosecutor's Office will be posted on the agency's website and be available to the public by request. The Annual Reports from the Cape May County Prosecutor's Office to the Attorney General

will be posted on the Cape May County Prosecutor's Office website as well as being available to the public upon request.

All written reports created or submitted pursuant to this policy that identify specific officers are confidential and **not** subject to public disclosure.

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.

Signature of Trainee Date

Signature of Witness Date

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:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

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

	Name of Medication	Date Last Taken
1		
2		
3		

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

Social Security Number and Initials

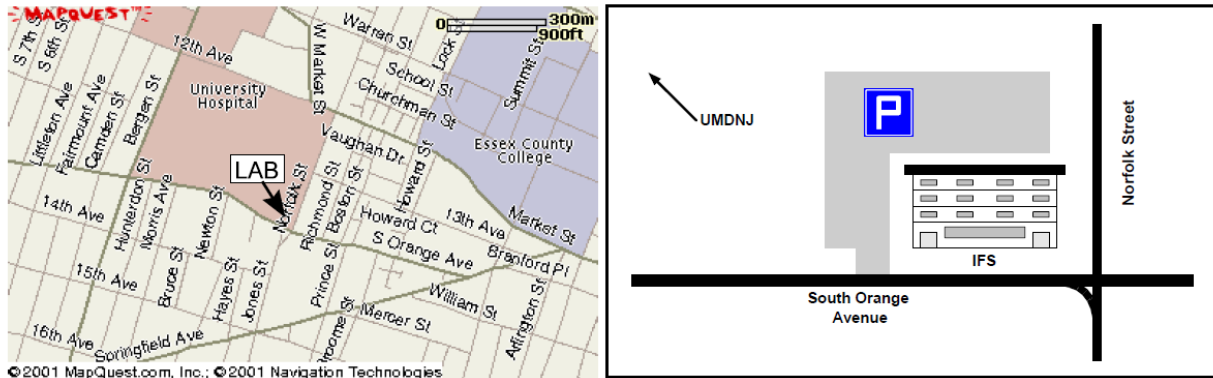
Date

Signature of Witness

Date

ATTACHMENT E

Directions to



**State Toxicology Laboratory
Edwin H. Albano Institute of Forensic Science (IFS)**
325 Norfolk Street
Newark, New Jersey
973-648-3915

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, Hillside Avenue.
4. Continue on Hillside 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).

