

BEACHWOOD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

LAW ENFORCEMENT DRUG SCREENING

BY THE ORDER OF:
Chief of Police

OF PAGES: 18



EFFECTIVE DATE:
April 3, 2020

ACCREDITATION STANDARDS:
1.3.3

PURPOSE: To safeguard the department and members of the public from applicants, law enforcement trainees, and sworn law enforcement personnel who may engage in the illegal use of drugs and to provide a zero tolerance stance of illegal drug use by applicants, law enforcement trainees, and sworn law enforcement personnel.

POLICY: It is the policy of the Beachwood Police Department to ensure that applicants, trainees, and sworn personnel to have integrity and competence beyond question, and provide the citizens of the Borough of Beachwood service and protection. Therefore, drug abuse by an applicant, trainee, or sworn member of the Beachwood Police Department shall not be tolerated. Mandatory drug testing is a method to ensure that no drug abuse, including anabolic steroids, is taking place by applicants, trainees, or within the sworn ranks of the department. The following shall not be construed to limit in any way the rights of the Beachwood Police Department to drug test any other civilian employee. This policy is written and compiled in accordance with the Attorney General 's Law Enforcement Drug Testing Policy.

This Policy shall be made available to the public upon request and shall be posted on the department website pursuant to NJ Attorney General Directive 2018-2.

This standard operating procedure is considered an annex to the Rules and Regulations of the Beachwood Police Department.

PROCEDURE:

I. APPLICABILITY

- A. Drug testing will be performed upon:
1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
 2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
 3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
- B. It is the policy of this department that officers are subject to urine testing for illegal drug use as follows:
1. When reasonable suspicion exists to believe that the officer is illegally using drugs including anabolic steroids, or
 2. When officers have been randomly selected to submit to a drug screen.
- C. It is the policy of this department that a negative test result is a continued condition of employment as a sworn officer. Any officer who tests positive for illegal drug use as specified below, or who refuses to submit to a drug test upon a lawful order, shall be subject to discipline, which shall include termination from this department, pursuant to the procedures set forth below.

II. TYPES OF DRUG TESTING

- A. Applicants for a Position as a Law Enforcement Officer
1. This written directive recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
 2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
 3. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication

information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

B. Law Enforcement Trainees

1. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
2. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the Chief of Police or the academy director.

C. Sworn Law Enforcement Officers

1. Urine specimens shall be ordered from an officer when there exists reasonable suspicion that the officer is illegally using drugs. Urine specimens shall be not ordered from an officer without the approval of the county prosecutor or the Chief of Police.
2. Urine specimens may be ordered from sworn law enforcement officers who have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the Beachwood Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
3. Urine specimens may be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

1. The Beachwood Police Department will test applicants for law enforcement officer and will notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:
 - a. Result in the applicant being removed 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. In addition, the notification will indicate that if the applicant is currently employed as a sworn law enforcement officer and the officer tests positive for

illegal drug use, the Beachwood Police Department 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.

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. Upon final disciplinary action, the officer's termination from employment; and
 - b. Inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and
 - c. The officer being permanently barred from future law enforcement employment in New Jersey.
2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. In accordance with this written directive, individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Before a law enforcement officer may be ordered to submit to a drug test based on reasonable suspicion, the Beachwood Police Department shall prepare a written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or the Chief of Police of the police department 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. The following factors should be evaluated to determine the quality and relevance of the information acquired by the Beachwood Police Department:
 - a. The nature and source of the information;
 - b. Whether the information constitutes direct evidence or is hearsay in nature;
 - c. The reliability of the information or source;
 - d. Whether corroborating information exists and the degree to which it corroborates the accusation; and
 - e. Whether and to what extent the information may be stale.
3. A negative result is a condition of employment as a law enforcement officer and that a positive test will result in:

- a. The law enforcement officer 's termination from employment.
 - b. Inclusion of the law enforcement officer's name in the central drug registry maintained by the Division of State Police.
 - c. The law enforcement officer is permanently barred from future law enforcement employment in New Jersey.
4. Law enforcement 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 penalties as those officers who test positive for the illegal use of drugs.
 5. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. The Beachwood Police Department will conduct random drug testing for sworn law enforcement officers. The random drug testing cannot be implemented until rules and regulations establishing such a procedure have been in effect for a minimum of 60 days.
2. The following conditions shall apply to the random drug testing of law enforcement officers:
 - a. All law enforcement officers are eligible for random drug testing, regardless of rank.
 - b. The Chief of Police will determine the frequency and amount of sworn law enforcement officers tested. At a minimum, random drug testing shall be conducted at least twice in every calendar year. Random drug testing shall not be less than ten percent (10%) of all law enforcement officers within the agency. The number of officers to be selected each time a random test is conducted shall be less than the total number of sworn officers employed by the agency.
 - c. Anabolic steroid testing of law enforcement officer may be incorporated in the random drug testing of all sworn law enforcement officers of the Beachwood Police Department. Anabolic steroid testing will apply to those individuals selected for random drug testing. Therefore, the only persons required to submit to anabolic steroid testing will be those same persons who were randomly selected for the testing of illegal drugs. The percentage of those selected for anabolic steroid testing may be up to 100% of the persons who were selected for random drug testing.
 - d. The random selection of law enforcement officers shall be achieved by using a method by which each and every sworn member of the Beachwood Police Department, regardless of rank or assignment, has an equal chance of being selected for drug testing each and every time a selection is conducted.

- e. Random drug testing selections will be done via a lottery system via computer software or manual selection:
 - 1) Computer Software Selection
 - a) On each date chosen for a random selection of sworn law enforcement officers, the Chief of Police or his designee shall generate a list from any computer software that would allow for random selection from the entered data. In order to generate a random list, all personnel are to be verified in the software to ensure that all sworn police officers are listed and available for selection.
 - b) If needed, the percentage of sworn officers must be manually converted to a number to be entered for testing and the software will randomly select personnel and will print a list of the randomly selected active sworn officers.
 - c) All master lists generated for random drug testing shall be maintained consistent with the level of confidentiality and retention period for Internal Affairs files pursuant to the Attorney General's Directive.
 - 2) Manual Selection
 - a) Bingo/lottery balls with each sworn law enforcement officer's name will be verified to ensure that all sworn police officers are listed and available for selection.
 - b) The number of individuals being tested will be drawn and will represent the officers being tested.
 - c) The Chief of Police, the Internal Affairs Supervisor, and a representative from each collective bargaining unit shall sign a form verifying the names selected.
 - d) All master lists generated for random drug testing shall be maintained consistent with the level of confidentiality and retention period for Internal Affairs files pursuant to the Attorney General's Directive.
- f. A representative of each collective bargaining unit shall be invited to be present for all selections.
- g. Any member of the Beachwood Police Department 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.
- h. The Internal Affairs Supervisor and/or his/her designee(s) will be responsible for contacting those officers selected to provide urine specimen and compelling them to respond to headquarters for

specimen collection. Specimen should be collected on the same day of the selection process. Specimen will be collected in accordance with those procedures established by the State Toxicology Laboratory.

- i. Law Enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the individual shall be terminated from law enforcement employment in New Jersey. In addition, the Beachwood Police Department shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- j. Officers that are unavailable to respond due to circumstances not limited to being away on vacation or medically unable will be required to provide specimen when said status should change. Officers shall not in any way attempt to delay or prevent their duty to provide specimen when ordered. Reasonable accommodations will be afforded at the discretion of the Chief of Police based on the circumstances.

IV. SPECIMEN ACQUISITION PROCESS

A. Preliminary Acquisition Procedures

1. The Chief of Police shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall 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.
2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III B of this policy. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and Applicants are not required to complete a Drug Testing Medication Information form at this time.
4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences

outlined in Section III C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

B. Monitor 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 donor identification (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
 - c. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing split collection kits supplied by the Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms (CSF).
 - e. Collecting and submitting urine specimens in accordance with procedures established by the 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 toilet water and secure the area where the specimens are to be collected prior to specimen collection.
3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must

document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

C. Specimen Collection

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
 - a. The specimen containers shall be kept closed/unsealed at this time.
 - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
 - a. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking either the “Yes” or “No” box in the specimen collection section of the CSF. 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.
 - b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
 - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
 - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with tamper evidence seals from the CSF.

- a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
 - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
 - c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
 10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
 11. The monitor separates the white laboratory copy of the CSF, folds it, and places it in the rear pouch of the specimen bag along with the sealed medication information sheet, if provided.
 12. The monitor seals the specimen bag by removing the release liner from the flap and folding the blue adhesive flap to cover the cross hatch slit opening.
 13. Any remaining urine and the specimen collection container may be discarded.
 14. The monitor will take possession of the sealed specimen bag and ensure that it is delivered to the NJ State Medical Examiner Toxicology Laboratory in a timely manner (See Section V. Submission of Specimens for Analysis below).

D. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to

determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Split Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested by an accredited laboratory. The first specimen will not be retested.
2. The split specimen will be maintained at the Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
 - a. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. A representative of the split 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 second test laboratory by commercial courier also following accepted chain of custody procedures.
5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

V. SUBMISSION OF SPECIMENS TO THE LABORATORY

- A. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Urine specimens should be submitted to the Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the agency shall store the specimen in a controlled access refrigerated storage area until submission to the Laboratory.
- C. Specimens may be submitted to the Laboratory by commercial courier using "next day delivery" or in person. (appointments only)
- D. The Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission

will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.

- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the Laboratory shall inspect each specimen for damage and evidence of tampering.
 - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

VI. ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of final reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids. The steroid test shall be for an additional cost to the Department.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - 1. Amphetamines;
 - 2. Barbiturates;
 - 3. Benzodiazepine;
 - 4. Cocaine;
 - 5. Marijuana/Cannabis;
 - 6. Methadone;
 - 7. Opiates;
 - 8. Oxycodone/Oxymorphone;
 - 9. Phencyclidine.
- C. The Laboratory utilizes a two-stage procedure to analyze specimens.
 - 1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.

2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
 - E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the Beachwood Police Department, following notification from the Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements, and nutritional supplements that were ingested by the donor during the 14 days prior to the specimen collection. 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, and write their Donor ID on the envelope. The agency is responsible for submitting the envelope to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
 - F. In addition to the testing outline above, specimens submitted to the Laboratory may be tested for additional substances at the request of the Beachwood Police Department submitting the specimen. The Laboratory has the ability through its own facilities as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused substances.

VII. DRUG TEST RESULTS

- A. The Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, the Beachwood Police Department will conduct an Internal Affairs investigation to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the

Laboratory to conduct a second analysis of a specimen that has already been analyzed.

VIII. CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When an applicant tests positive for illegal drug use:
1. The applicant shall be immediately removed from consideration for employment by the department.
 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer by the appointing authority.
 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
1. The officer shall be immediately suspended from all duties.
 2. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer.
 3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

IX. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

X. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

- A. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XI. RECORD KEEPING

- A. The Beachwood Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. The Beachwood Police Department's drug testing records shall include but not be limited to:
 - 1. For all drug testing:
 - a. the identity of those ordered to submit urine samples;
 - b. the reason for that order;

- c. the date the urine was collected;
 - d. the monitor of the collection process;
 - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the Laboratory;
 - f. the results of the drug testing;
 - g. copies of notifications to the subject;
 - h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - i. for any positive result or refusal, appropriate documentation of disciplinary action.
2. For random drug testing, the records will also include the following information:
- a. a description of the process used to randomly select officers for drug testing;
 - b. the date selection was made;
 - c. a copy of the document listing the identities of those selected for drug testing;
 - d. a list of those who were actually tested; and
 - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the Internal Affairs Standard Operating Procedure.

XII. CENTRAL DRUG REGISTRY

- A. The Chief of Police or his/her designee shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in 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 New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - 1. name and address of the submitting agency, and contact person;

2. name of the individual who tested positive;
 3. last known address of the individual;
 4. date of birth;
 5. social security number;
 6. SBI number (if known);
 7. Gender
 8. Race
 9. Eye color
 10. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 11. date of the drug test or refusal;
 12. date of final dismissal or separation from the agency; and
 13. whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the Chief of Police, notarized with a raised seal and sent to:
- Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068
- E. 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.

XIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, the Beachwood Police Department shall report the discipline to the County Prosecutor or designee.
- B. By December 31st of each year, the Beachwood Police Department shall provide written notice to the County Prosecutor or his/her designee of the dates of testing

conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Beachwood Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XIII, also shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.