

Hunterdon County Sheriff's Office

GENERAL ORDER 2018-03

SUBJECT: Mandatory Random Drug Testing



ADOPTED: August 1, 2018
EFFECTIVE: October 1, 2018



POLICY

Law enforcement organizations are responsible for providing the highest level of service to the public. An officer's life, the lives of fellow officers, and the lives of the public depend on each officer's alertness and ability to make rational decisions. Thus, officers must maintain appropriate physical and mental readiness to perform their duties safely and effectively at all times. Further, such physical and mental readiness shall be unaffected by illegal drug use.

In October 1986, the New Jersey Attorney General issued the 'Law Enforcement Drug Testing Policy.' The 'Law Enforcement Drug Testing Policy' governs the drug testing of law enforcement applicants, trainees, and sworn officers. The 'Law Enforcement Drug Testing Policy' historically encouraged, but did not require, law enforcement agencies to adopt random drug screening policies and procedures.

In 2018, the New Jersey Attorney General issued Directive 2018-2, which requires all New Jersey law enforcement agencies to conduct mandatory random drug testing of all sworn officers. [AG] Directive 2018-2 applies to all state, county, and municipal law enforcement officers who are responsible for enforcing the criminal laws in New Jersey, who come under the jurisdiction of the Police Training Act, and who are authorized to carry a firearm pursuant to N.J.S.A. 2C:39-6. Further, although Directive 2018-2 supersedes certain portions of the 'Law Enforcement Drug Testing Policy', it in no way alters a law enforcement agency's long-standing ability drug-test officers upon developing reasonable suspicion that an officer is using drugs illegally. [AG] Directive 2018-2 establishes uniform procedures for the implementation of random drug testing of law enforcement officers.

I. DEFINITIONS

- A. Chief Executive Officer - that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Sheriff, Chief of Police, or Officer-In-Charge. "Officer" as used in "Chief Executive Officer" need not denote sworn status.
- B. Officer-In-Charge - a sworn member of the police department appointed by the Appropriate Authority to be the highest commanding officer of the police department in the absence of the Chief Executive Officer.
- C. Random Selection - a method of selection in which each and every sworn member of a 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. (See the New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' at Section II (C) (2).
- D. Reasonable Suspicion - a well-grounded belief formulated as a result of an officer's training and experience. Reasonable suspicion requires more evidence than a mere hunch but less evidence than probable cause to arrest.

PROCEDURES

II. TYPES OF DRUG TESTING

A. Testing of Law Enforcement Applicants

Applicants shall be notified that that they must submit to a urine test as part of the pre-employment process. Applicants shall be notified that a negative test is a condition of employment. Applicants shall be notified that a positive test will disqualify them from consideration with the HCSO. The HCSO will comply with ADA requirements and refrain from any medical inquiries, OR utilize the *Medication Information Form* during the pre-employment process unless a positive result returns.

B. Testing of Law Enforcement Trainees

- 1. Trainees shall submit one or more urine specimens for testing while they attend a mandatory basic training course.

2. All drug testing conducted during mandatory basic training shall comply with rules and regulations established by the Police Training Commission.
3. 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.
4. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Hunterdon County Prosecutor, the Sheriff, or the director of the police academy at which the trainee is attending the basic training course.

C. Reasonable Suspicion Testing of Sworn Officers

1. Reasonable suspicion testing requires objective facts. Urine specimens shall be ordered from a sworn law enforcement officer when reasonable suspicion exists to believe that the officer is illegally using drugs.
2. Urine specimens shall not be ordered from an officer without the approval of the Sheriff, designee, or Hunterdon County Prosecutor. Written documentation shall be prepared by the Sheriff or designee documenting the reason for reasonable suspicion.

D. Random Testing of Sworn Officers

Urine specimens shall be ordered from sworn law enforcement officers who have been randomly selected (as defined above) to submit to a drug test.

E. Medical Examinations and Fitness for Duty Examinations

1. Urine specimens may be collected from law enforcement officers during a regularly-scheduled and announced medical examination or a fitness-for-duty examination.
2. However, the New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' does not govern the collection and analysis of such specimens.

III. NOTIFICATION OF DRUG TESTING PROCEDURES (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' - Section III.)

A. Applicants

1. Consistent with the AG Policy, The HCSO shall notify those applicants (See Att. A) that the pre-employment process will include drug testing.
2. The notification shall also indicate that a negative result is a condition of employment.
3. The notification shall also indicate that a positive result will:
 - a. result in the applicant no longer being considered for employment,
 - b. cause the applicant's name to be reported to the Central Drug Registry maintained by the Division of State Police, and
 - c. Preclude the applicant from being considered for future law enforcement employment for two (2) years from the date of the drug test.
4. In addition, the notification shall indicate that if the applicant is currently employed as a sworn law enforcement officer and the applicant 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 in New Jersey.
5. See Attachment A for an example.

B. Trainees

1. Consistent with the AG Policy, The HCSO shall notify those Trainees (See Att. B) that drug testing is mandatory during basic training.
2. Newly appointed officers shall also be informed that a negative result is a condition of employment.

3. The notification shall also state that a positive result will:
 - a. result in the officer's termination from employment,
 - b. cause the officer's name to be included in the Central Drug Registry maintained by the Division of State Police, and
 - c. result in the officer being permanently barred from future law enforcement employment in New Jersey.
4. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment with the HCSO and a permanent ban from future law enforcement employment in New Jersey.
5. Each New Jersey police academy is required to include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. 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 an officer is ordered to submit to a drug test based upon reasonable suspicion, the Sheriff, via HCSO Internal Affairs Officer shall prepare a written report, which documents the basis for the reasonable suspicion.
 - a. The report shall be reviewed by the Hunterdon County Prosecutor's Office, Sheriff, **or** designee before a "reasonable suspicion test" may be ordered.
 - b. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. A negative result is a condition of continued employment.
4. A positive result shall result in:
 - a. The officer's termination from employment,
 - b. Inclusion of the officer's name in the *Central Drug Registry* maintained by the Division of State Police, the officer

being permanently barred from future law enforcement employment in New Jersey.

5. Officers who refuse to submit to a drug test based upon 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.
6. 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. In accordance with the New Jersey Attorney General's Directive 2018-02, and, the HCPO Directive MO2018-8, the HCSO hereby implements a random drug-testing program for its sworn law enforcement officers and executives.
2. All sworn members of the HCSO are eligible for random drug testing, regardless of rank or assignment.
3. The method of random selection chosen to ensure that every sworn officer in the HCSO has an equal chance to be selected for a testing, each and every time a selection takes place, shall be utilized:
 - a. Twice per year, a numbered tag/card (one for each sworn member) totaling [not less than] ten percent (10%) of the number of sworn officers in the HCSO shall be drawn from a vessel or container at random.
 - b. Upon notification of the Sheriff or designee, the *Internal Affairs Officer, or designee*, shall initiate the random drug selection process at the direction of the Sheriff. The drawing shall take place at the morning muster/briefing/staff meeting unless otherwise directed by the Sheriff. Officers selected shall submit to testing as directed.
4. In order to verify the selection process, at least two (2) sworn officers shall witness a selection. If neither of the two sworn

officers are members of the collective bargaining unit, a member of the collective bargaining unit who is currently on duty may witness the selection process (thereby increasing the total number of witnesses to be three (3) sworn officers).

5. In order to document the selection process, the *Internal Affairs Officer*, shall maintain a ledger, which indicates, in ink, the names of the officers selected for random drug testing and the dates on which they were selected.
6. Any employee of the HCSO who discloses the identity of an officer who has been selected for random drug testing, or who discloses that a random selection is scheduled to take place, prior to the collection of urine from all of those chosen, shall be subject to discipline. This shall not apply to any notification required by the implementation and execution of any provision of these random drug-testing procedures.
7. When an officer is selected for a random drug test, the monitor or designee shall ensure that the officer submits to the test as promptly as reasonably possible.
8. Officers who refuse to submit to a drug test when randomly selected shall be subject to the same penalties as those officers who test positive for the illegal use of drugs.
9. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
10. Frequency and Number of Officers to be Tested
 - a. As per the New Jersey Attorney General's Directive 2018-02, random drug testing shall be conducted at least once in the remainder of 2018 and at least twice in every subsequent calendar year.
 - b. At least ten percent (10%) of the total number of sworn officers within the HCSO shall be randomly tested each time.

- c. However, applicant, trainee, and “reasonable suspicion” drug testing shall be unaffected by random drug testing. Therefore, it is entirely possible that an officer shall be required to submit to drug testing more than once a year period pursuant to the different types of testing.

IV. SPECIMAN ACQUISITION PROCEDURES (Reference - New Jersey Attorney General’s ‘Law Enforcement Drug Testing Policy’ - Section IV.)

A. Preliminary Acquisition Procedures

- 1. As designated by the Sheriff, the Internal Affairs (IA) Office shall serve as a *monitor* of the specimen acquisition process. Should the IA Officer be selected for random testing, the Sheriff shall designate an alternate Executive Officer to serve as monitor for that round of testing.
 - a. The *monitor* shall always be of the same sex as the individual being tested.
 - b. In the event there is no member of the same sex available to serve as a monitor, the HCSO shall request that a member of the same sex from another law enforcement agency serve as monitor of the process.
 - c. The monitor of the specimen acquisition process shall be responsible for:
 - (i) Ensuring that the individual submitting the specimen (See Attachments C & D) fully and accurately completes all documentation.
 - (ii) Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
 - (iii) 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.

2. Prior to submission of a specimen, the subject officer shall complete a medical questionnaire which requires the subject officer to clearly describe all medications, both prescription and over-the-counter (i.e., non-prescription), that were ingested in the past fourteen (14) days. See Attachment B.

B. Specimen Collection

1. Throughout the testing process, the identity of the sworn law enforcement officer associated with each sample shall remain confidential.
 - a. Individual specimens shall be identified throughout the process by the use of social security numbers.
 - b. At no time shall an officer's name appear on any form or specimen container sent to the State Toxicology Laboratory.
2. Specimens shall 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 State Toxicology Laboratory.
3. After the *monitor* has inspected the appropriate forms for accuracy, the subject officer shall urinate into the specimen collection container.
 - a. Officers shall express without the direct observation of the monitor unless there is reason to believe that the officer will adulterate the specimen or otherwise compromise the integrity of the process.
 - b. In such circumstances, the production of a specimen may be directly observed by the monitor.
 - c. However, law enforcement agencies shall document their belief that an individual may adulterate a specimen or compromise the integrity of the test process.
4. The officer shall then seal the specimen container and deliver it to the *monitor*.

5. Once the *monitor* is satisfied that the required documentation is accurate and once he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
6. Officers who are initially 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.
 - a. While under the supervision of the *monitor*, subject officers may drink fluids in an attempt to induce the production of a specimen.
 - b. If the officer remains unable to produce a specimen after a reasonable period of time, the monitor may have the subject officer examined by a doctor to determine whether the ability to produce a specimen was the result of a medical or physical infirmity or whether it constituted a refusal to cooperate with the drug testing process.
7. Subject officers shall have the option to provide the *monitor* with a second urine specimen at the same time the first specimen is collected.
 - a. The second specimen shall be collected in the same fashion as the first.
 - b. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area.
 - c. The HCSO *monitor* shall maintain possession of the second specimen for a period of sixty (60) days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
 - d. The second specimen shall be released by the HCSO *monitor* under the following circumstances:

- (i) The HCSO is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled dangerous substance; and
- (ii) The HCSO is informed by the officer whose specimen tested positive that the subject officer wishes to have the specimen independently tested; and
- (iii) The subject officer designates a laboratory that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
- (iv) A representative of the licensed clinical laboratory designated by the subject officer takes possession of the second specimen in accordance with accepted chain of custody procedures within sixty (60) days of the date the specimen was produced.

V. SUBMISSION OF SPECIMEN FOR ANALYSIS (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' - Section V.)

- A. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall constitute the sole facility for the analysis of law enforcement drug tests.
- B. Law enforcement agencies are not permitted to use any other facility or laboratory for purposes of analyzing urine specimens.
- C. Urine specimens shall be submitted to the State Toxicology Laboratory as soon as reasonably possible after their collection.
- D. If a specimen cannot be submitted to the laboratory within one (1) working day of collection, the HCSO Internal Affairs Officer shall store the specimen in a locked, refrigerated storage area until submission to the State Toxicology Laboratory. Note - Samples may be retained by the HCSO no longer than 30 days following collection.
 - 1. Submission of specimens to the State Toxicology Laboratory may be accomplished by HCSO staff or by a commercial carrier.

2. Should the HCSO choose to have specimens delivered to the State Toxicology Laboratory by commercial courier, the following procedural safeguards shall be taken:
 - a. All submissions shall be by “next day delivery.”
 - b. In addition to the sealed container, all submissions shall be packaged in a manner that includes two (2) additional seals to provide for the integrity of the test specimens.
 - c. The State Toxicology Laboratory will reject specimens that it has reason to believe have been subjected to tampering.

VI. ANALYSIS OF SPECIMENS (Reference - New Jersey Attorney General’s ‘Law Enforcement Drug Testing Policy’ - Section VII)

- A. The State Toxicology Laboratory will utilize the following test procedures to analyze urine specimens for law enforcement agencies:
 1. All specimens will be subject to an initial test utilizing fluorescence polarization immunoassay analysis.
 2. Specimens that test positive for a controlled substance following the fluorescence polarization immunoassay analysis shall be subject to a gas chromatography/mass spectrophotometry analysis to confirm the presence of the controlled substance.
 3. In the event a specimen is confirmed to be positive for a controlled substance following the gas chromatography/mass spectrophotometry, a medical review officer at the laboratory shall compare the test results with the medical questionnaire submitted with the specimen to determine whether any substance listed on the questionnaire would explain the test result.
 - a. The medical review officer may direct the agency that collected the specimen to obtain further information from the subject officer concerning the medications listed on the questionnaire.
 - b. In the event the questionnaire does not explain the test result, the medical review officer shall issue a report indicating that the specimen tested positive.

4. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. Amphetamine
 - b. Barbiturate;
 - c. Benzodiazepines
 - d. Marijuana
 - e. Cocaine
 - f. Methadone
 - g. Oxycodone/Oxymorphone
 - h. Opiates
 - i. Phencyclidine
5. The Sheriff **may** request that one or more specimens be analyzed for the presence of steroids*.
6. The analysis of each specimen shall be performed in accordance with procedures adopted by the State Toxicology Laboratory. These procedures shall include, but are not limited to, 1) security of the test specimens, 2) chain of custody, 3) metabolite cut-off levels, and 4) the issuance of test reports.

Note* - Per State Toxicology Lab Protocol, a request for steroid testing shall incur a cost of a minimum of \$250. Per sample.

VII. DRUG TEST RESULTS (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' at Section VII.)

- A. The State Toxicology Laboratory shall notify the submitting law enforcement agency of the test results from the specimens submitted for analysis.
- B. All reports shall be in writing and sent to the agency within fifteen (15) working days of the submission.

- C. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and, further, the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
- D. The HCSO shall notify the applicant, trainee, or sworn officer of the result of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the applicant, trainee, or sworn officer may receive a copy of the laboratory report.
- E. Under no circumstances may an agency or an individual re-submit a specimen for testing or ask that a particular specimen within possession of the State Toxicology Laboratory be re-tested.

VIII. CONSEQUENCES AND ACTIONS IN THE EVENT OF A POSITIVE RESULT (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' - Section VIII.)

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment by the agency.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; and
 - 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 (2) years.
 - 4. If 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 (PTC):

1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
 2. The trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action 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. Upon being notified that a sworn officer of the HCSO has tested positive for the presence of illegal drugs and/or illegal drug use, that officer shall be immediately suspended from all duties (see the New Jersey Attorney General's Guideline 2018-02).
- D. Upon final completion of the disciplinary procedures, the officer shall be **terminated**. The HCSO IA Officer shall report the officer for entry into the *Central Drug Registry* maintained by the New Jersey State Police, and 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 (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' - Section IX.)

- 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, further, shall be barred from consideration for future law enforcement employment for a period of two (2) years from the date of the refusal.
- B. 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.
- C. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment.

- D. Upon finding that a 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.
 - E. 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.
 - F. 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.
 - G. 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.
 - H. 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.
 - I. A sworn law enforcement officer who tests positive for illegal drug use or who 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.
- X. RECORD KEEPING (Reference - New Jersey Attorney General's 'Law Enforcement Drug Testing Policy' – Section XI.)**
- A. The HCSO's Internal Affairs Office shall maintain all records relating to the drug testing of applicants, trainees, and law enforcement officers.
 - B. 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 State Toxicology Laboratory,
 - f. the results of the drug testing,
 - g. copies of the 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 shall also include the following information:
- a. A description of the process used to randomly select officers for drug testing,
 - b. the date the selection was made,
 - c. a copy of the document listing the identities of those selected for drug testing, and
 - d. A list of those who were actually tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for Internal Affairs files pursuant to the '*New Jersey Internal Affairs Policy and Procedures.*'

XI. CENTRAL DRUG REGISTRY (New Jersey Attorney General's '*Law Enforcement Drug Testing Policy*' - Section XII.)

- A. The HCSO 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 who refuses an order to submit a urine sample on the form prescribed in Attachment D.
- B. 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.
- C. The certification section of the notification form must be completed by the Sheriff or designee and notarized with a raised seal.
- D. Notifications to the Central Drug Registry (See Att. F) 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
- E. Information contained in the Central Drug 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, or
2. In response to a court order.

XII. NOTIFICATION TO THE HUNTERDON 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 law enforcement agency's chief executive or a designee shall provide a confidential written notice to their County Prosecutor or his/her designee within 10 days.
- B. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.
- C. By December 31st of each year, every law enforcement agency shall provide written notice to their County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

XIII. ANNUAL REPORT TO THE NEW JERSEY ATTORNEY GENERAL

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

XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALTY

- A. All random drug testing policies adopted by law enforcement agencies shall be posted on the agency's website.
- B. Annual reports from the County Prosecutors to the Attorney General (as required above) also shall be made available to the public upon request and shall be posted on the agency's website.

- C. However, all written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

EFFECT:

All members of the Hunterdon County Sheriff's Office are required to follow this order as applicable. Undersheriff's shall notify the Sheriff of any changes that may be necessary to this policy. Changes and updates to this policy shall be made as required. Violations of this order subject members of this agency to disciplinary action.

BY ORDER OF THE SHERIFF

Frederick W. Brown
Hunterdon County Sheriff