



## County of Passaic

Administration Building

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Passaic County Prosecutor's Office  
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### PASSAIC COUNTY POLICY ON MANDATORY RANDOM DRUG TESTING

**TO:** Passaic County Sheriff  
All Passaic County Police Chiefs  
All Passaic County Police Director(s)  
All Passaic County Prosecutor's Office Personnel

**FROM:** Camelia M. Valdes, Passaic County Prosecutor

**DATE:** Effective July 12, 2018

**SUBJECT:** Mandatory Random Drug Testing

#### I. SCOPE

The following policy governs the countywide implementation of mandatory random drug testing in accordance with New Jersey Attorney General Law Enforcement Directive No. 2018-2, issued on March 20, 2018 ("Random Drug Testing Directive"), and the Attorney General's Law Enforcement Drug Testing Policy (revised May 2012) ("AG Testing Policy").

#### II. IMPLEMENTATION

##### A. Applicability

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

##### B. Establishment of Random Drug Testing Policy

Every law enforcement agency in Passaic County shall adopt and/or revise their existing drug testing policies, consistent with the random drug testing Directive and this policy, either by rule, regulation, or standard operating procedure ("SOP") as required by

state law. A copy of the agency's random drug testing policy must be provided to the Passaic County Prosecutor's Office, Public Integrity Unit, within 10 days of its issuance.

C. Frequency and Number of Officers to be Tested

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

D. Notification of Random Drug Testing Policy

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

E. Continuation of AG Testing Policy Procedures

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

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

F. Notification to County Prosecutor

In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the law enforcement agency's chief executive or a designee shall provide a confidential written notice to their County Prosecutor or her designee within 10 days. Upon completion of any disciplinary action, each agency shall report the discipline to the County Prosecutor or designee.

By December 31st of each year, every law enforcement agency shall provide written notice to their County Prosecutor or 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.

All notifications shall be made to the Public Integrity Unit within the Passaic County Prosecutor's Office.

**G. Annual Report to Attorney General**

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

**III. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

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

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

**IV. SANCTIONS FOR NON-COMPLIANCE**

If the County Prosecutor or her designee has reason to believe that a law enforcement agency or officer is not complying with or adequately enforcing the provisions of the Random Drug Testing Directive or this county policy, the County Prosecutor may take actions as she in her sole discretion deems appropriate to ensure compliance with the Random Drug Testing Directive and this policy. Nothing in the Random Drug Testing Directive or this county policy shall limit the authority of the County Prosecutor to conduct any criminal and/or administrative investigation related to a positive drug test under random drug testing or related to compliance with and enforcement of the Random Drug Testing Directive and this policy.