

# ATLANTIC COUNTY PROSECUTOR'S OFFICE

## PROSECUTOR'S DIRECTIVE

PD-00493-12

### ***DRUG TESTING***

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BY ORDER OF: Damon G. Tyner, Atlantic County Prosecutor

DISTRIBUTION: All Atlantic County Prosecutor's Employees

REISSUE DATE: May 02, 2018

Revision History:

05/02/18 [Reissued by Pros. Tyner and revised per AG Directive No. 2018-02 and Attorney General Drug Testing Policy, revised April 2018]

10/28/13 [Reissued as PD-00493-12]

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#### I. POLICY

It shall be the policy of the Atlantic County Prosecutor's Office to conduct drug testing of sworn personnel according to New Jersey Attorney General Law Enforcement Directive No. 2018-02, Statewide Mandatory Random Drug Testing ([AX-01258-18](#)) and the Attorney General's Law Enforcement Drug Testing Policy ([AX-01257-18](#)).

#### II. PROCEDURES

##### A. Program Responsibility

1. The Internal Affairs Unit shall be responsible for the agency drug testing program pursuant to Attorney General Policy.

##### B. Eligibility and Reasons for Drug Testing

1. All sworn members of the Atlantic County Prosecutor's Office, regardless of rank or assignment, are eligible for drug testing. This includes:
  - a. Active Law Enforcement Officers
  - b. Law Enforcement Officer Trainees
  - c. Law Enforcement Officer Applicants
2. The Atlantic County Prosecutor's Office conducts drug testing of eligible personnel as part of a random process or based on reasonable suspicion.

##### C. Random Selection for Drug Testing

1. Eligible personnel will be selected for random drug testing using social security numbers loaded in a computer program. Each social security number will also be assigned a number between one and ending with the total number of eligible personnel on staff at the

time of the test. When the computer program is opened, it will randomly select numbers from the spreadsheet containing the social security numbers.

2. A copy of the computer screen listing all social security numbers, and the randomly selected numbers will be printed each time the program is opened for the selection process, preserving a permanent record of those individuals selected. The Superior Officer in charge of the Internal Affairs Unit will verify the names of those personnel selected for testing, with the monitor present, prior to sample acquisition.
  - a. Shop Stewards who represent both the regular members and Superior Officers shall witness the selection process each time followed by each Steward signing the copy made of the computer screen listing the numbers of the personnel selected.
3. Personnel chosen for random testing will be tested within two weeks of the date of selection. Personnel on sick leave, disability leave, family leave or leave of absence may be tested as long as they are accessible. Personnel who are inaccessible will be tested if they become accessible within two weeks of selection.
4. Any member of the Detective Division, excluding the Superior Officer in charge of the Internal Affairs Unit, who discloses the identity of an individual selected for random testing, or that a random selection is scheduled to take place prior to sample acquisition shall be subject to disciplinary action.

#### D. Consequences of Positive Drug Test Results

1. A negative drug test result is a condition of employment as a sworn law enforcement officer. Positive drug test results will cause a sworn law enforcement officer to be:
  - a) terminated from employment;
  - b) included in the central drug registry maintained by the Division of State Police; and
  - c) permanently barred from future law enforcement employment in New Jersey.

#### E. Refusal to Comply with Drug Testing

1. Eligible personnel who refuse to submit to a drug test based on reasonable suspicion or random drug testing after being lawfully ordered to do so are subject to the same penalties as those who test positive for the illegal use of drugs.
2. 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.

#### F. Record Keeping

1. All records pertaining to drug testing shall be maintained by the Internal Affairs Unit in the agency Internal Security files.
2. Drug testing records shall be maintained with the level of confidentiality required for Official Corruption files pursuant to the New Jersey Official Corruption Policy and Procedures.

APPENDIX

AX-01257-18  
AX-01258-18

Attorney General's Law Enforcement Drug Testing Policy  
Attorney General Law Enforcement Directive No. 2018-02, Statewide Mandatory  
Random Drug Testing