

BERGENFIELD POLICE DEPARTMENT POLICY AND PROCEDURE

GENERAL ORDER: P-215	VOLUME 2 Personnel	PAGE 1 OF 28	REVISION DATE	PAGE: #
SUBJECT: Drug Testing			9/26/2018 MR	pp. 2-6, 8-18
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POLICY SOURCE: NJ ATTORNEY GENERAL DIRECTIVE 2018-2	ACCREDITATION STANDARDS:			
BERGEN COUNTY PROSECUTOR'S DIRECTIVE 2018-1				

The Bergenfield Police Department recognizes that the critical mission of law enforcement justifies the maintenance of a drug free work environment through the establishment and use of a fair and reasonable employee drug-testing program.

The police profession has several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus, their job performance.

Where police officers participate in illegal drug use and drug activity, the integrity of the police profession, and public confidence in it are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

The goal of law enforcement drug testing must be to send a message that any drug use by officers, at any time, is unacceptable, and this agency is prepared to enforce that philosophy by using drug testing technology to the fullest extent. The identification and eradication of drug use within this agency is compelling and necessary for the protection of the public.

The following policy is promulgated by guidelines set forth by the Attorney General of the State of New Jersey and the Bergen County Prosecutor's Office.

The purpose of this directive is to establish a policy and procedure for drug testing of applicants, trainees, random drug testing of sworn department personnel, and for drug

testing based on particularized individual reasonable suspicion.

In order to ensure the integrity of the Bergenfield Police Department, and to preserve public trust and confidence in a fit and drug free police profession, this department has instituted a drug testing program to deter prohibited drug use by sworn personnel.

It shall be the policy of the department to maintain all drug testing records with the level of confidentiality required for internal affairs files pursuant to the New Jersey Attorney General Guidelines Internal Affairs Policy.

Definitions:

- A. **Applicant**- any person who applies for the position of police officer within the Bergenfield Police Department.
- B. **Infoshare Drug Testing Randomizer**- is the software program used by the Bergenfield Police Department provided and mandated by the Bergen County Prosecutor's Office to randomly select personnel to be tested for narcotics use.
- C. **Drug Test**- is the compulsory production and submission of urine by an officer in accordance with these established procedures, for laboratory analysis to detect prohibited drug use.
- D. **Officer**- is a sworn police officer, regardless of rank or assignment, who is responsible for the enforcement of the criminal laws of this state.
- E. **Patrolman's Benevolent Association (P.B.A.) Local 309**- the collective bargaining unit representing the members of the Bergenfield Police Department.
- F. **Particularized Individual Reasonable Suspicion**- is that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, articulable, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while either on or off duty.
- G. **Police Officer**- See "*Sworn Personnel*."
- H. **Positive Result**- is the result given to a specimen that is tested and confirmed to be positive for a controlled substance following laboratory analysis and a review by a medical review officer at the laboratory after comparison with the Medication Information Report and it is determined that any substance listed in the report does not explain the test result.
- I. **Random Selection**- is defined as the method by which every officer regardless of rank or assignment has an equal chance of being selected for drug testing each and every time a drug test is conducted.
- J. **Reasonable Suspicion**- See "*Particularized Individual Reasonable Suspicion*."

- K. Recruit/Trainee**- is any appointee who is undergoing mandatory basic training in a Police Academy.
- L. Supervisor**- is an officer formally assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work unit.
- M. Sworn Personnel**- are sworn police officers employed by the Borough of Bergenfield.

PROCEDURE:

A. Testing of an Applicant:

1. An applicant for the position of police officer shall be required to submit a urine specimen at any time prior to employment.
2. ***Negative test results are a condition of employment.***
3. **A positive test result will result in:**
 - a. The applicant being dropped from consideration for employment;
 - b. Trigger the applicant's name to be reported to the Central Drug Registry maintained by the New Jersey State Police, and
 - c. Precludes the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test
4. 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 shall be notified of the test results without undue delay and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey. These applicants who refuse to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.
5. All samples collected will be delivered to the NJ State Police Laboratory for testing.
6. Any Bergenfield police officer who is an applicant in another jurisdiction and yields a positive drug test after undergoing drug testing by that jurisdiction in comportment with the guidelines established by the Attorney General of the State of New Jersey shall be:
 - a. Immediately suspended from all duties;
 - b. Terminated from employment as a police officer upon final disciplinary action;
 - c. Reported to the Central Drug Registry maintained by the NJ State

Police;

- d. Permanently barred from future law enforcement employment in the State of New Jersey.

B. Testing of a Recruit/Trainee by Random/Reasonable suspicion

1. Recruits/trainees shall be required to submit one or more urine specimens for testing at any time while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with the rules and regulations established 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 executive officer of the trainee's agency, or the academy director.

3. All newly appointed officers shall be informed that drug testing is mandatory during their basic training and they may be randomly selected for testing based on this policy which shall be conducted at a minimum of twice per year.

4. Negative results are a condition of continued employment.

5. A positive test result will result in the following:

- a. The recruit shall be immediately dismissed from the police academy and immediately suspended from this department.
- b. The recruit shall be terminated from employment as a police officer upon final disciplinary action.
- c. The recruit's name shall be reported to the Central Drug Registry maintained by the New Jersey State Police.
- d. The recruit shall be permanently barred from future law enforcement employment in the State of New Jersey.
- e. Refusal to submit to a drug test shall result in the same penalties set forth above.
- f. Individual 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. A recruit/trainee shall be ordered to submit to a drug test based upon reasonable suspicion only with the approval of the Bergen County Prosecutor, the Chief of Police, or the Director of the Police Academy.

C. Testing of Sworn Personnel by Random Selection

1. Urine specimens shall be ordered from police officers who have been randomly selected to submit to a drug test.

2. Each sworn member of the Bergenfield Police Department will be entered into the BCPO randomizer software. The Internal Affairs Commander shall maintain a database containing officer's names, social security numbers and a record of each drug test performed.
3. True random selection is ensured by a method of selecting employees for drug testing in which every member of the agency, regardless of rank or assignment, has an equal chance of being selected each and every time a selection is made. Therefore, the name of every sworn member of the department, regardless of rank or assignment, shall be entered into the BCPO Randomizer software so there is an equal chance of being selected for every random drug test.
4. The Chief or designee shall cause to be generated a random number of officers, to ensure at a minimum 10% of the Department's sworn members are selected. Officers who are on extended sick leave and/or military leave will be included in the random selection, however, they may be excluded from the eligible drug test list, based upon the totality of the circumstances as determined by the Chief of Police or designee, including but not limited to severity of illness and/or anticipated time away. Officers to be excluded will be determined prior to initiating the selected list. Although there may be officers on extended leave excluded, there will always be a minimum of 10% tested on each test performed based on the total number of officers employed by the Borough. If an officer(s) has been excluded from a list, he/she will be returned to the eligible list for the next selection date.
5. When the Infoshare Randomizer Program is opened, the Chief or designee will print a roster of all eligible employees to be included in the random selection. The roster will be presented to the PBA representative to ensure that all members are included on the list. If any issues arise, they will be addressed prior to the selection. (Ex. Employee will be added or deleted from the list). Once the list is verified, the PBA representative will sign the list indicating it is complete and return to the IA commander for filing. The Chief will then set the parameters of the test and submit the request. The Chief will cover the monitor of his/her computer to avoid the names of the selected members being visible to those in attendance during the selection process. The selection list report will be printed and sealed in an envelope without being viewed by any member in attendance. The envelope will then be signed by all in attendance and given to the IA Commander for filing. A second copy will be provided to the IA Commander for testing purposes. Both copies will be secured in the IA folder for each and every drug test.
6. A minimum of 10 percent of the total number of sworn officers within the Bergenfield Police Department shall be randomly tested. Testing shall be done at a minimum of once in the remainder of 2018 and at least twice in every subsequent calendar year thereafter. The number of officers selected, dates, and frequency of drug testing shall be at the sole discretion of the Chief of Police.

7. *Negative results are a condition of continued employment.*

8. A positive test result will result in the following:

- a. The officer shall be immediately suspended from all duties.
- b. The officer shall be terminated from employment as a police officer upon final disciplinary action.
- c. The officer's name shall be reported to the Central Drug Registry maintained by the New Jersey State Police.
- d. The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
- e. Any officer who refuses to submit to random drug testing shall be subject to the same penalties set forth above.
- f. Any officer randomly selected who is on any type of leave or day(s) off, or away on official business shall be immediately tested upon their return to work without exception.
- g. Any employee of the Bergenfield Police Department who discloses the identity of an officer selected for random drug testing, the fact that a random drug test is scheduled, or that they had supplied a sample for random drug testing shall be subject to disciplinary action, as well as possible criminal charges as annotated in the New Jersey Code of Criminal Justice, NJSA 2C:36-10.
- h. Any employee of the Bergenfield Police Department who offers for sale or rental, or who manufactures, sells, transfers or gives to any person, any urine sample, instrument, tool, device or substance adapted, designed or commonly used to defraud the administration of a drug test or takes any other action to defraud the administration of a drug test for themselves or another person shall be subject to disciplinary action as well as possible criminal charges as annotated in the New Jersey Code of Criminal Justice, NJSA 2C:36-10.

D. Testing of Sworn Personnel by Reasonable Suspicion:

1. In addition to random testing, urine specimens shall be ordered from any police officer when there is reasonable suspicion to believe that the officer is illegally using drugs. Urine specimens, for this purpose, shall not be ordered from the officer without the approval of the Bergen County Prosecutor or the Chief of Police. Before a law enforcement executive may order an individual officer to undergo reasonable suspicion testing, the agency shall prepare a written report documenting the basis for the test. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report. Law enforcement executives who wish to discuss whether the information they possess is sufficient to conduct reasonable suspicion testing should contact the BCPO for advice.

2. *A negative test result is a condition of continued employment.*

3. A positive test result will result in the following:

- a. The officer shall be immediately suspended from all duties.
- b. The officer shall be terminated from employment as a police officer upon final disciplinary action.
- c. The officer's name shall be reported to the Central Drug Registry maintained by the New Jersey State Police.
- d. The officer shall be permanently barred from future law enforcement employment in the State of New Jersey.
- e. If an officer refuses to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so, the officer is subject to the same penalties as for those who test positive for the illegal use of drugs, enumerated above.
- f. Any officer who has reason to believe that a member of this agency is utilizing illegal drugs must report that suspicion to the department immediately or face disciplinary action.
- g. Any officer having reasonable suspicion of illegal drug use by another officer must report it by way of a confidential report to the Chief of Police or Internal Affairs Commander immediately. The report shall detail the facts that form the basis of reasonable suspicion of illegal drug use or be subject to disciplinary action.

E. Notifications:

1. A representative of the P.B.A. shall be notified of every selection process and may witness the random selection process.
2. When it has been determined that reasonable suspicion exists, the appropriate Bureau Commander, OIC, or Internal Affairs officer will go to the subject officer at the officer's work assignment and order that officer to accompany him/her to a designated lavatory to collect a urine specimen.
3. Officers who have been randomly selected shall be contacted by the appropriate Bureau Commander, OIC or Internal Affairs officer at their work assignment and shall immediately report to the designated lavatory to submit a urine specimen. If the officer is off duty, on a leave of any kind, the Chief of Police or designee may order the officer into headquarters to give proper urine samples, regardless of the length or reason for the leave.
4. The order to provide a urine sample for drug screening is a direct order from the Chief of Police. No officer has the right to refuse the order, the right to have a union representative or attorney present at the time of the specimen is collected, nor the right to delay the order for any reason.

F. Acquisition Procedures:

This section applies to both random selection and reasonable suspicion testing of police officers:

1. The Chief of Police or designee shall serve as monitor of the acquisition process. The monitor(s) shall always be of the same gender as the officer selected. In the event of any conflict, a monitor may be requested from another law enforcement agency. If a Transgender Officer is selected to take part in the drug testing, the officer's gender identity or gender expression shall be used when selecting a monitor to oversee the process. The Chief of Police will also designate the bathroom(s) to be used for collections.
2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a Drug Testing Applicant notice and acknowledgment form (Attachment A). 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 Drug Testing Trainee notice and acknowledgment form (Attachment B). Trainees shall complete a 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 shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal. **(It is important to note that this will be the only opportunity for the tested officer to disclose the medication they have taken. Any Officer who yields a positive test result will not be given another chance to list any medication they have taken).**
4. Prior to the submission of a urine specimen, an officer shall execute a Drug Testing Officer notice and acknowledgment form (Attachment C). 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 shall be placed in an envelope which is sealed by the donor. The donor shall date and initial the seal. **(It is important to note that this will be the only opportunity for the tested officer to disclose the medication they have taken. Any Officer who yields a positive test result will not be given another chance to list any medication they have taken).**

The monitor of the specimen acquisition process shall be responsible for:

5. The monitor will use the Monitor check list (<https://powerdms.com/docs/2239217?q=monitor>) and shall complete the Specimen Acquisition Report (see attached, Form G) form for each officer tested. It is the duty of the monitor(s) to ensure that all required documentation is fully and accurately completed by the officer submitting the specimen in accordance with this policy.
6. The monitor will collect 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 numbers (Donor ID). **At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.**
7. This agency will comply with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens
8. Specimens shall be collected utilizing split collection kits supplied by the N.J. Medical Examiner Toxicology Laboratory. Under no circumstances shall 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 this agency to contact the laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Forms.
9. This agency will comply with all requirements of collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory. (See Section I below)
10. In order to ensure the accuracy and integrity of the collection process a monitor shall:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and secure their duty weapons/duty gun belt in their personal locker. Both the officer and the monitor will then wash their hands under running water, before any specimen is produced.
 - b. Ensure the designated bathroom is checked prior to the acquisitions to ensure it is free from any products that may be used to alter the urine specimen (remove all cleaning products etc.)
11. 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

Urine Specimen Collection Procedure

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 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 each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. 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.
7. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (see Shy Bladder Procedure).
8. 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 container in the secondary specimen container.
 - B. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
9. 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 (30mL).
 - 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 (15mL).

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 they provided.

10. The monitor prints their name, signs and dates the monitor/agency acknowledgement section of the CSF.

11. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.

12. 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.

13. 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.

14. Any remaining urine and the specimen collection container may be discarded.

15. 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.

The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (See Section "Shy Bladder" Procedure below)

"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, utilizing the department water cooler or faucet. No outside beverages will be consumed.
 - 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.
3. Officers must provide the specimen upon being ordered to do so. **Officers shall not be permitted to consult with anyone prior to submitting the specimen. Any attempt to delay the submission of a specimen, based upon his or her desire to consult with anyone, will be treated as a refusal. At no time with the monitor lose sight of the officer to be tested.**

G. Split Specimen

If the first test results are negative, the second sample will be destroyed

- a. If the test results produce a positive reading, the officer 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.
- b. The split specimen will be maintained at the State Toxicology Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.

The split specimen will be released by the NJSMETL under the following circumstances:

1. This department is notified by the State of New Jersey Toxicology Laboratory that the first specimen tested positive for a controlled substance(s);

and
 2. This department notifies the officer that the first specimen tested positive for a controlled substance(s);

and
 3. The officer whose specimen tested positive notifies this department that he/she wishes to challenge the positive test result.
 4. A representative of the second 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 officer, to the Bergenfield PD, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.
- d. Any officer or employee of the Bergenfield Police Department who knowingly tampers with any specimen or otherwise compromises the testing process shall be subject to disciplinary action and may also face criminal charges as annotated in the New Jersey Code of Criminal Justice, NJSA 2C:36-10.

H. Accidental/Inadvertent Exposure:

1. Any officer who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty, the officer must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the Chief of Police or the Internal Affairs Commander through the chain of command. If the exposure occurs off duty, notification must be made to the department shift commander without delay.

2. Test Result that is Precipitated by Lawful and Reported Prescription Medication:

- a. Any test that reveals the presence of a drug listed on the officer's Medication Information Report will be reported to this department. This result will be reported with the explanation that the substance was listed on the Medication Information Report. The Chief of Police will have the option of causing further investigation into the propriety of the listed substance and its use.

I. Submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice

- A. All urine samples for drug testing will be submitted to the New Jersey State Medical Examiner Toxicology Laboratory within the Division of Criminal Justice by personnel from the department. Law Enforcement agencies are not permitted to use any other facility or laboratory.
- B. Every effort will be taken to deliver the collected samples to the lab as soon as possible after their collection.
- C. In the event a specimen cannot be submitted to the laboratory within 24 hours of their collection, the specimens shall be stored in a controlled access refrigerator (Evidence Refrigerator), until such time as they can be delivered to the State Toxicology Laboratory. Specimens may be submitted to the Laboratory by commercial courier using "next day delivery" or in person (appointments only).
- D. Samples will be delivered to the NJ Medical Examiner Toxicology laboratory by an Internal Affairs Officer or an officer designated by the Chief of Police. Members of the Records Bureau or the Internal Affairs Unit who have been randomly selected will be prohibited from transporting or handling the urine specimen after they have given their samples to their monitor. Officers violating this will be subject to discipline and criminal charges.
- E. If the IA officer or the Records Bureau officer(s) are randomly selected, the Chief will make arrangements to select a different monitor and transporter of the urine specimen(s).
- F. 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 specimen or specimens until the missing documentation is submitted.

- G. Any specimen that shows evidence of tampering or damage may be rejected by the New Jersey State Toxicology and also notifying the submitting agency in writing with the reason for rejection clearly stated.
- H. The chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Medical Examiner Toxicological Laboratory within the Division of Criminal Justice shall be adhered to as set forth in the Attorney General's Law Enforcement Drug Testing Policy and our department policy on evidence collection OD-401.
- I. In addition to the sealed container, all submissions must be packaged in an outer cooler to provide for the integrity of the test specimens.

J. Analysis of Specimens

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology 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 test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - a. Amphetamines
 - b. Barbiturates
 - c. Benzodiazepines
 - d. Cocaine
 - e. Marijuana/Cannabis
 - f. Methadone
 - g. Opiates
 - h. Oxycodone/Oxymorphone
 - i. Phencyclidine
- C. The State Toxicology 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 11 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 State Toxicology 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 law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
 - F. Every law enforcement executive may request that one or more specimens be analyzed for the presence of steroids, as well as currently abused chemicals.

K. Drug Test Results

- A. The State Toxicology 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 State Toxicology 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, 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.
- C. 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.

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

- A. The Chief shall make a determination whether an applicant, trainee or officer refused to submit to a drug test;
- B. Any refusal to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from all duties;
- C. 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.

M. Record Keeping

- A. The Internal Affairs Commander shall maintain all records relating to the drug testing of applicants, trainees and the sworn members of the department.
- B. For all drug testing, the records shall include but not limited to:
 - 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;
 - 5. The chain-of-custody of the urine sample from the time it was collected until the time it was received by the New Jersey State Medical Examiner Toxicology Laboratory within the Division of Criminal Justice;
 - 6. The results of the drug screening;
 - 7. Copies of notification to the subject;
 - 8. For any positive results, documentation from the officer's physician that medication was lawfully prescribed and does not render the officer unfit for duty;
 - 9. For any positive result or refusal, appropriate documentation of disciplinary action.
- C. For random drug screening, the records will also include:
 - 1. A description of the process used to randomly select officers for drug testing;
 - 2. The date of that selection;
 - 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.
- D. 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.

N. Reporting Requirements:

1. In the event of a **positive drug test by an officer during a random test or during a reasonable suspicion test, or a refusal by an officer to submit to any drug test**, the Chief of Police shall provide a confidential written notice using **BCPO Notification of Drug Testing** form to the County Prosecutor or designee within 10 days. Upon completion of any disciplinary action, the Internal Affairs Supervisor shall report the discipline to the County Prosecutor or designee. The **Notification of Drug Testing** form must be delivered to the Bergen County Prosecutor's Office within ten (10) calendar days (including weekends and holidays) from the date of testing. Forms can be hand delivered and or mailed (stamped "Confidential") to:

Bergen County Prosecutor's Office
c/o Confidential Investigations Unit
Two Bergen county Plaza
Hackensack, NJ 07601

2. The Chief of Police or designee shall submit an annual report to the Bergen County Prosecutor or designee by December 1 of each calendar year using **BCPO Annual Result of Drug Testing** form. The report shall contain the following:
 - a. The dates of testing conducted during the year,
 - b. The total number of sworn officers employed by the agency,
 - c. The total number of sworn officers tested, and
 - d. The total number of sworn officers who tested positive.
 - e. The total number of sworn officers who refused a test.

O. Central Drug Registry

- A. The Chief of Police shall notify the County Prosecutor who shall, in accordance with the Attorney General's Guidelines, notify the Central Drug Registry maintained by the State Police of the identity of any sworn law enforcement officers, applicants and trainees, who test positive for the illegal use of drugs or refuses an order to submit a urine sample.
- B. The notification of the Chief of Police to the County Prosecutor, who shall then notify the Central Drug Registry in accordance with the Attorney General's Guidelines, 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 applicable);
 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 Chief of Police and notarized with a raised seal.
- D. Notifications to the Central Registry shall be sent to:
- Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, NJ 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.

P. Confidentiality:

1. Random drug testing policies adopted by the Bergenfield Police Department

shall be made available to the public upon request as per the Open Public Records Act (OPRA). Department Policy shall also be posted on department website at www.bergenfieldpd.org

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

Q. Adherence to New Jersey Attorney General Guidelines:

1. Any and all issues or points not specifically covered herein shall be controlled by the New Jersey Attorney General's Law Enforcement Drug Testing Policy, revised, April, 2018.

R. Form Listings:

- A. Applicant Notice and Acknowledgment Form
- B. Trainee Notice and Acknowledgment Form
- C. Officer Notice and Acknowledgment Form
- D. Drug Testing Medication Form
- E. Directions to State Toxicology Lab
- F. Notification to the Central Drug Registry Form
- G. Specimen Acquisition Report
- H. BCPO Notification of Drug Testing
- I. BCPO Annual Results of Drug Testing

Click link below for Monitor checklist:

<https://powerdms.com/docs/2239217?q=monitor>

VIOLATIONS:

- A. Any Sworn Personnel who violates the provisions of this General Order shall be subject to progressive disciplinary action, criminal charges, and the possibility of termination.
- B. Any Employee of the Bergenfield Police Department who performs any act for the purpose of defrauding the administration of a drug test may be subject to the penalties and provisions as annotated by the New Jersey Code of Criminal Justice in NJSA 2C:36-10, disciplinary charges, and termination.

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

FORM D
BERGENFIELD POLICE DEPARTMENT
MEDICATION INFORMATION REPORT

As part of the drug testing process, it is essential that you inform us of all medications you have taken within the last fourteen (14) days. **Please carefully and completely fill out the information below.**

Mark all that apply:

During the past fourteen (14) days, I have taken the following medication prescribed by a physician.

NAME OF MEDICATION	PRESCRIBING PHYSICIAN	DATE LAST TAKEN

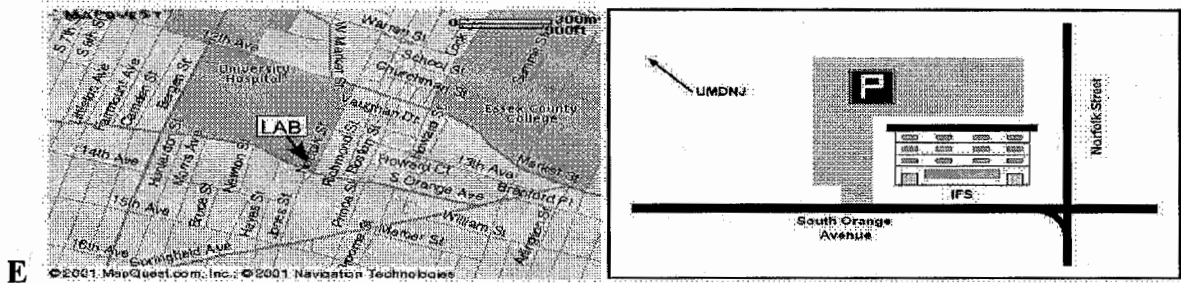
During the past fourteen (14) days, I have taken the following non-prescription medication(s) (cough medicine, cold tablets, analgesics, diet medication, nutritional supplements, etc.)

NAME OF NON-PRESCRIPTION MEDICATION/SUPPLEMENT	DATE LAST TAKEN

During the past fourteen (14) days, I have taken **NO** prescription, non-prescription medication or nutritional supplements.

Donor ID and Initials	DATE:

ATTACHMENT



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:

Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.

1. At the traffic light, make a left.
2. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
3. Turn right and enter first driveway on right behind two story brick building (IFS).

**ATTACHMENT F
NOTIFICATION TO THE CENTRAL DRUG REGISTRY**

AGENCY SUBMITTING					
AGENCY				PHONE	
ADDRESS		CITY		STATE	ZIP
CONTACT PERSON		TITLE		PHONE	
PERSON TO BE ENTERED					
LAST NAME	FIRST NAME	INITIAL	GENDER	RACE	EYE COLOR
THIS PERSON WAS: <input type="checkbox"/> APPLICANT <input type="checkbox"/> TRAINEE <input type="checkbox"/> SWORN OFFICER-RANDOM <input type="checkbox"/> SWORN OFFICER-REASONABLE SUSPICION					
ADDRESS					
CITY		STATE		ZIP	
DOB	SSN	SBI NUMBER (IF KNOWN)			
REASON FOR NOTIFICATION					
THE PERSON LISTED ABOVE <input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE) OR <input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE					
DATE OF THE DRUG TEST OR REFUSAL			DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY		
<u>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</u>					
I hereby affirm that the above information is true and correct to the best of my knowledge.					
_____ Print Name		_____ Title		_____ Signature	
Sworn and subscribed before me this _____ day of _____					
(Seal) _____					

Mail to: Division of State Police Records and Identification Section
 P.O. Box 7068
 West Trenton, New Jersey 08628-0068

**BERGENFIELD POLICE DEPARTMENT
FORM G
SPECIMEN ACQUISITION REPORT**

Donor ID Number:	Date:	Time:	Monitor:
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You are hereby ordered to submit to a drug screening pursuant to General Order P-215. This test is being ordered based on:

- You have been randomly selected; or
- There is reasonable suspicion to believe that you are illegally using drugs.

You are further ordered to supply the monitor two samples of your urine so that this testing can take place.

Failure to comply with this written order at the direction of the monitor will result in disciplinary action to include your termination from this department.

Location where samples were obtained:			
Location where samples were stored if applicable:			
Date samples were taken to State Toxicology Laboratory:			
Samples delivered by:	Date delivered:	Samples received by:	Date received:
Test results:		Date and time test result was received:	

2nd Specimen

Location where second specimen stored:	
Disposed: <input type="checkbox"/> Yes <input type="checkbox"/> No	Released to:
Date/Time of release:	Released by:

BERGEN COUNTY PROSECUTOR'S OFFICE NOTIFICATION OF DRUG TESTING

TESTED OFFICER	Name:	
	Rank:	Social Security No.:
	Municipality:	
OFFICER REQUESTING THE TEST	Name/Rank:	
	Date of Request:	

NOTIFICATION OF POSITIVE RESULT (CHECK ONE)

<input type="checkbox"/>	POSITIVE RANDOM TEST	On the above referenced date, the tested officer, who was randomly selected, yielded a positive drug test result.
<input type="checkbox"/>	REFUSAL OF RANDOM TEST	On the above referenced date, the officer refused to provide a testing sample for a random drug test.
<input type="checkbox"/>	POSITIVE REASONABLE SUSPICION TEST	On the above referenced date, based on the administration of a reasonable suspicion drug test, the tested officer yielded a positive drug test result.
<input type="checkbox"/>	REFUSAL OF REASONABLE SUSPICION TEST	On the above referenced date, the officer refused to provide a testing sample for a reasonable suspicion drug test.

PARTY MAKING NOTIFICATION TO COUNTY

Party making notification:	Date of Notification:
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A State Accredited and Nationally Recognized Law Enforcement Agency



**BERGEN COUNTY PROSECUTOR'S OFFICE
ANNUAL RESULTS OF DRUG TESTING**

Department: _____

Year: _____

<p align="center">TOTAL NUMBER OF SWORN OFFICERS IN THE ENTIRE DEPARTMENT</p>	<p align="center">_____</p>
<p align="center">DATES OF RANDOM TESTING (must list 2 or more dates in calendar year)</p>	<p>FIRST TEST: _____ SECOND TEST: _____</p>
<p align="center">TOTAL NUMBER OF SWORN OFFICERS RANDOMLY TESTED FOR EACH DATE AND TOTAL</p>	<p>FIRST TEST: _____ SECOND TEST: _____ TOTAL TESTED: _____</p>
<p align="center">TOTAL NUMBER OF SWORN OFFICERS WHO TESTED POSITIVE IN A DRUG TEST IN THE CALENDAR YEAR</p>	<p>FIRST TEST: _____ SECOND TEST: _____ REASONABLE SUSPICION TEST: _____ TOTAL POSITIVE TESTS: _____</p>
<p align="center">TOTAL NUMBER OF SWORN OFFICERS WHO REFUSED A DRUG TEST</p>	<p>REFUSED RANDOM TEST: _____ REFUSED REASONABLE SUSPICION TEST: _____ TOTAL REFUSED TESTS: _____</p>

PARTY MAKING NOTIFICATION TO COUNTY

Party making notification: _____

Date of Notification: _____



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