

	RIDGEFIELD PARK POLICE DEPARTMENT DEPARTMENTAL DIRECTIVE	Date Issued: August 13, 2018	Date Effective: August 13, 2018
		Distribution: Sworn Personnel	
Directive: General Order		Directive #: GO-A-016	Status: New
Subject: Drug Testing			Accreditation Standards:
Issued by: Chief Joseph Rella	Supersedes Order #:	Review Date:	
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Purpose

The purpose of this policy is to set a uniform practice to be utilized when testing applicants, trainees, and sworn employees of the Ridgefield Park Police Department for drug use.

Policy

The Ridgefield Park Police Department requires that its employees be held to the highest standards of conduct. To preserve the integrity of the Ridgefield Park Police Department and to ensure that the citizens of Ridgefield Park Police Department are provided with service and protection by sworn employees whose competence and fitness for office are beyond question, drug abuse by sworn Department employees shall not be tolerated. Further, illegal drug use by a sworn officer or any other employee who is authorized to carry a firearm, represents a threat to the safety of the public and to other law enforcement personnel.

Drug testing is one method to ensure that no drug abuse is present within the ranks of the Ridgefield Park Police Department.

Failure to comply with this policy or the procedures set forth herein may result in disciplinary action.

The Department must also carefully select applicants whose character and credibility are beyond reproach. Therefore, drug abusers should be detected and disqualified from potential employment. Consistent with these goals, it is the policy of the Ridgefield Park Police Department that any offers of employment, shall be conditioned on the candidate's submission of a urine sample for the purpose of drug screening.

Procedure

I. Applicability

This policy applies to:

- A. Applicants for any position as a sworn law enforcement officer;
- B. All Ridgefield Park Police Department trainees subject to the Police Training Act while they attend a mandatory basic training course or police academy; and
- C. All current sworn employees, regardless of rank, position or assignment.

II. EMPLOYMENT STATUS

- A. Applicants: Applicants for a position as a sworn employee, shall be required to submit a urine specimen at any time prior to appointment.
- B. Applicants for employment as sworn police officers (including SLEO III) may be tested as many times as the Department deems necessary to ensure that the applicant is not engaged in the illegal use of drugs.
 - 1. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
- C. During the pre-employment process, the Department shall comply with the provisions of the American Disabilities Act (ADA) and will not make medical inquiries prior to drug testing. The Medical Information Form shall not be used at the applicant stage, unless a positive result requires an explanation by the prospective employee.
- D. Ridgefield Park Police Department Probationary Officer Trainees: Probationary Officer trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission (PTC).
- E. Individual trainees shall also be required to submit a urine specimen for testing when there is a "*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 Ridgefield Park Chief of Police or his/her designees.
- F. Any Employee Authorized to Carry a Firearm under N.J.S.A. 2C:39-6: Sworn law enforcement officers (including SLEO III) shall be ordered to

submit a urine specimen for testing when they have been randomly selected to submit to a drug test as per the procedure outlined in this general order.

III. REASONABLE SUSPICION TESTING

- A. The Ridgefield Park Police Department shall undertake drug testing when there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of controlled substances.
- B. Reasonable suspicion "requires objective facts which, with inferences, would lead a reasonable person to conclude that drug-related activity is taking or has taken place and that a particular individual is involved in that drug activity.
- C. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the Department:
 - 1. The nature and source of the information;
 - 2. Whether the information constitutes direct evidence or is hearsay in nature;
 - 3. The reliability of the informant or source;
 - 4. Whether corroborating information exists and the degree to which it corroborates the accusation; and
 - 5. Whether and to what extent the information may be stale.
- D. Before the Chief of Police may order an individual officer to undergo reasonable suspicion testing, the Department 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.
- E. If the Chief of Police or his/her designee find that reasonable suspicion exists, the sworn employee shall be ordered to submit a urine sample for drug testing in compliance with this general order.

IV. RANDOM DRUG TESTING

- A. All sworn officers or any other employees who are authorized to carry firearms under N.J.S.A. 2C:39-6 (SLEO III) are eligible for random drug testing, regardless of rank or assignment.

- B. Random selection shall be defined as a method of selection in which each and every employee who are authorized to carry a firearm under N.J.S.A. 2C:39-6 (SLEO III), regardless of rank, position or assignment, has an equal chance to be selected for drug testing, each and every time a selection is conducted.
- C. The random selection process shall be administered as follows:
 - 1. The IA Supervisor shall conduct the selection process.
 - 2. Each time a random selection for drug testing occurs, the Ridgefield Park Police Department shall select a minimum of 10% of those employees eligible for selection.
 - 3. Each and every employee authorized to carry a firearm shall be included in the random selection process and shall be eligible for selection each and every time the random selection process is implemented regardless of whether the armed employee has been previously selected.
 - 4. One representative of the collective bargaining unit representing the employee shall be permitted to witness the selection process.

Any employee of the Ridgefield Park Police Department who discloses the identity of an individual selected for random testing or the fact that a random selection is scheduled to take place, prior to the collection of the urine specimens shall be subject to discipline.

V. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

- 1. The Department shall notify applicants for sworn law enforcement positions will include drug testing.
- 2. This notification will also indicate a negative result is a condition of employment and that a positive result will:
 - a. result in the applicant being dropped from consideration for employment;
 - b. cause the applicant for a sworn law enforcement position to be reported to the Central Drug Registry maintained by the Division of State Police; and
 - c. preclude the applicant for a sworn law enforcement position from being considered for future law enforcement employment for a period of two years from the date of the drug test.
- 3. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn officer and the officer tests positive for illegal drug

use, the officer's employing agency will be notified by this Department of the test results and the officer will be terminated from employment and permanently barred from future law enforcement in the State of New Jersey.

4. Applicants shall be further informed that their refusal to submit to a drug test shall result:
 - a. in the applicant being dropped from consideration
 - b. in their no longer being considered for law enforcement employment in New Jersey for a period of two years.
 - c. the applicant's name being sent to the Central Drug Registry maintained by the State Police with a note that the applicant refused.

B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training.
2. Newly appointed officers shall be informed that a negative result is a condition of employment and that a positive result will result in:
 - a. the trainee being dismissed from basic training;
 - b. the trainee's termination from employment;
 - c. inclusion of the trainee's name in the Central Drug Registry maintained by the Division of State Police; and
 - d. the trainee being permanently barred from law enforcement employment in New Jersey.
3. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result:
 - a. in their dismissal from employment
 - b. a permanent ban from future law enforcement employment in New Jersey
 - c. inclusion of the trainee's name in the Central Drug Registry maintained by the Division of the State Police.

C. Sworn Law Enforcement Officers

1. All sworn law enforcement officers shall be ordered to submit to a drug test when there is reasonable suspicion to believe that the officer is illegally using drugs as well as they are subject to mandatory random drug testing pursuant to

AG Directive 2018-2 and this general order. Sworn officers are advised that a positive result will 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
 - c. The officer being permanently barred from future law enforcement employment in New Jersey.
2. Officers 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 officers who test positive for the illegal use of drugs.
 3. 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.

VI. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary Acquisition Procedures

1. A member of the Internal Affairs Unit shall serve as the monitor of the specimen acquisition process.
2. The monitor shall always be of the same sex as the individual being tested.
3. In the event there is no member of the same sex available from the Ridgefield Park Police Department, the Department may request that a member of the same gender from another law enforcement agency serve as the monitor of the process.
4. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs (Attachment A). The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section V.A of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
5. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section V.B of this policy. The form shall also advise the trainee that the refusal to

- participate in the test process carries the same penalties as testing positive. 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.
6. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section V.C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive.
 7. 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.
 - a. The Drug Testing Medication Information form shall be placed in an envelope which is sealed by the donor.
 - b. The donor shall date and initial the seal and write their unique identifier (Donor ID) on the envelope.
 - c. The sealed envelope shall be delivered to the lab with the specimens.

B. Monitor's Responsibilities

1. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of donor identification numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing split collection kits supplied by the NJ State 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.

- e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
 3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer.
 4. 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.

VII. URINE SPECIMEN COLLECTION PROCEDURE

- A. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
- B. The monitor completes the department information, donor identification, and test information sections of the Custody and Submission Form (CSF).
- C. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
- D. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all the items on a clean surface.
 1. The specimen containers shall be kept closed/unsealed at this time.
 2. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- E. 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.

- F. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
1. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable by marking the 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.
 2. 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 below).
- G. The monitor instructs the donor to split the collected specimen into the specimen containers.
1. The donor opens both specimen containers and pours **at least** 30 mL of urine from the collection container in the primary specimen container and **at least** 15 mL of urine from the collection container in the secondary specimen container.
 2. The donor secures both specimen containers by placing an securing the lids/caps on the specimen containers.
- H. The monitor instructs the donor to seal the specimen containers with tamper-evidence seals from the CSF.
1. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and placed is over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
 2. 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 t e lesser volume of urine (15 mL).
 3. After the seals are placed on the specimen container, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
- I. The monitor prints his/her name, signs and dates the monitor/department acknowledgement section of the CSF.
- J. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.

- K. 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.
- L. 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.
- M. Any remaining urine and the specimen collection container may be discarded.
- N. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens including second specimens are delivered to the NJSTL in a timely manner (see Submission of Specimens for Analysis below).

VIII. “SHY BLADDER” PROCEDURE

- A. When a donor initially produces an inadequate amount of urine, the monitor must take these following steps:
 - 1. 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.
 - 2. 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.
 - 3. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
- B. 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.

IX. SPLIT SPECIMEN

- A. A donor whose specimen tested positive may only challenge the positive test result by having the split specimen independently tested. The first specimen will not be retested.
- B. The split specimen will be maintained by the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the Department.
- C. The split specimen will be released by the NJSTL under the following circumstances:
 - 1. The Department is notified by the NJSTL that the first specimen tested positive for a controlled substance;

2. The Department notifies the donor that the first specimen tested positive;
 3. The Department is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive result.
- D. 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 courier also following accepted chain of custody procedures.
- F. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the medical review officer.

X. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. Urine specimens should be submitted to the State Toxicology Laboratory (NJSTL) as soon as possible after the collection. In the event specimens cannot be submitted to the NJSTL within one working day of collection, the specimen shall be logged into evidence and placed in a secure evidence refrigerator (following Department General Order GO-E-031, Evidence Collection Procedures) until submission to the Laboratory.
- B. Only Sworn personnel from the Department will submit specimens to the State Toxicology Laboratory.
- C. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form and the sealed envelope containing the Medication Information Form.

XI. 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
- B. The State Toxicology Laboratory shall analyze each specimen for the following, but not limited to, substances and their metabolites:
1. amphetamine/methamphetamine;
 2. barbiturates;
 3. benzodiazepine;
 4. marijuana / cannabinoids;
 5. cocaine;

6. methadone;
 7. phencyclidine;
 8. opiates;
 9. Oxycodone / Oxymorphone
- C. In addition to the substances listed above, the Chief of Police reserves the right to have specimens analyzed for any other controlled substances including steroids as the circumstances may dictate.
- D. 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.

XII. DRUG TEST RESULTS

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. Positive results will be sent via 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. The Internal Affairs Supervisor shall notify the individual of a positive test result as soon as possible after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances will the Ridgefield Park Police Department or an individual resubmit a specimen for testing or ask that a particular specimen within the State Toxicology Laboratory be re-tested.

XIII. CONSEQUENCES OF A POSITIVE DRUG RESULT

A. When an applicant tests positive for illegal drug use:

1. The applicant shall be immediately removed from consideration for employment by the Ridgefield Park Police Department;
2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police; 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 years. After this two-year period, the positive test result may be considered in evaluating an applicant's fitness for future law enforcement employment.
4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the applicant's current employer shall be notified of the positive test result; the applicant's name will be placed on a Central Drug Registry maintained by the Division of State Police by their current employer, and the applicant will be permanently barred from law enforcement employment in New Jersey.

B. When a trainee tests positive for illegal drug use:

1. The trainee shall be immediately dismissed from basic training subject to the rules adopted by the Police Training Commission and suspended from employment by the Department;
2. Upon final disciplinary action by the Department, the trainee shall be terminated from employment as a law enforcement officer.
3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and
4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.

C. When a sworn law enforcement officer tests positive for illegal drug use, that individual shall be:

1. Immediately suspended from all duties;
2. The officer shall be administratively charged and, upon final disciplinary action, be terminated from employment as a law enforcement officer be terminated from employment with the Department;

3. If the individual is a sworn law enforcement employee, that employee will be reported to the Central Drug Registry maintained by the Division of State Police and shall be permanently barred from future law enforcement employment in New Jersey.

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

- A. Applicants who refuse to submit to a drug test during the pre-employment process:
 1. Shall be immediately removed from consideration for employment and if for a position of a sworn law enforcement officer:
 - a. Barred from consideration for future law enforcement employment for a period of two years.
 - b. In addition, the Department shall forward the applicant's name to the Central Drug Registry maintained by the Division of State Police and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during training shall:
 1. Be immediately removed from the academy and immediately suspended from employment.
 2. Upon a finding that the trainee did, in fact, refuse to submit a sample, the trainee shall be terminated from employment with the Ridgefield Park Police Department and be permanently barred from future law enforcement employment in New Jersey.
 3. In addition, the Department shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Any sworn employee who refuses to submit to a drug test ordered in response to reasonable suspicion or a random selection drug test shall be:
 1. Immediately suspended from all duties.
 2. Upon a finding that an employee did, in fact, refuse to submit a sample, that individual shall be terminated from employment with the Ridgefield Park Police Department and be permanently barred from future law enforcement employment in New Jersey.
 3. In addition, the Department shall forward the individual's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

XV. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

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

XVI. RECORD KEEPING

- A. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and sworn employees.
- B. The Department's drug testing records shall include but not be limited to [For all drug testing]:
 - 1. the identity of those ordered to submit urine specimens;
 - 2. the reason for that order;
 - 3. the date the urine was collected;
 - 4. the identity of any 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 State Toxicology Laboratory;
 - 6. the results of the drug testing;
 - 7. copies of notifications to the subject; and
 - 8. for any positive result documentation from the officer's physician if the medication was lawfully prescribed and does not render the officer unfit for duty; and
 - 9. for any positive result or refusal, appropriate documentation of disciplinary action.
- C. For random drug testing, the records will also include the following information:
 - 1. a description of the process used to randomly select eligible sworn personnel (including SLEO III) for drug testing;
 - 2. the date selection was made;

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 employees were tested.

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.

XVII. CENTRAL DRUG REGISTRY

- A. The Ridgefield Park Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn officers who test positive for the illegal use of drugs or refuse an order to submit a urine sample. (See Attachment F) (Includes SLEO III)
- B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Department to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall be in writing and shall include the following information as to each individual:
 1. name and address of the submitting agency;
 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. a copy of the toxicology report;
 13. date of dismissal or separation from the agency; and
 14. whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the chief of Police and notarized with a raised seal.

Notifications to the Central Registry shall be sent to:

Records and Identification Section

Division of State Police

P.O. Box 7068

West Trenton, NJ 08628-0068

XVIII. CONSEQUENCES OF ALTERING OR ATTEMPTING TO ALTER THE OUTCOME OF A DRUG TEST

- A. Anyone who attempts to alter or alters the outcome of any drug test and/or the administration of any drug test is subject to dismissal and may be criminally charged pursuant to N.J.S.A. 2C:36-10.
- B. Anyone who is found to possess any tool, product, device or substance adapted, designed, or commonly used to defraud the administration of any drug test, shall be subject to disciplinary action, up to and including termination from employment and may be charged criminally pursuant to N.J.S.A. 2C:36-10.

XIX. BCPO REPORTING REQUIREMENTS

A. Notification

1. Bergen County Prosecutor's Directive 2018-1 requires notification of the random testing to the Bergen County Prosecutor's Office in certain situations.
2. Notification to the Bergen County Prosecutor comes in two forms. First, the Directive requires that when the Ridgefield Park Police Department conducts a test, the BCPO shall be notified if any of the following occur in relation to a drug test:
 - a. A random drug test occurs and results in a positive drug test result; or
 - b. The administration of a reasonable suspicion drug test of an officer yields a positive result; or

- c. A random or reasonable suspicion test is requested and the subject refuses that request.
3. For the purposes of this General Order, a finding of the above will be referenced as a “positive” result.
4. In order to implement the Attorney General’s Directive requirement of notification of “positive” results, all agencies within Bergen County, must use the “Notification of Drug Testing” form (see attachment) to memorialize the positive testing result.
5. The Chief of Police must complete the “Notification of Drug Testing” form for every officer that meets one of the above “positive” conditions. 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 receiving test results or refusal. 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

6. Law enforcement agencies are not required to submit Notification of Drug Testing forms to the Bergen County Prosecutor for situations where an officer is tested but did not meet one of the conditions above (a “negative” result). However, law enforcement agencies are required to keep track of all positive and negative drug tests within their own departments to comply with the Attorney General’s required annual reporting requirements.
7. In addition to submitting the Notification of Drug Testing form for positive results of individual officers on an ongoing basis, Directive 2018-2 also requires every law enforcement agency to annually report the results of their tests to the Bergen County Prosecutor. To effectuate this requirement, this Bergen County Directive requires all law enforcement agencies that operate solely in Bergen County to submit the form entitled “Annual Results of Drug Testing” to the Bergen County Prosecutor (form attached hereto). The Annual Results of Drug Testing form must list:
 - a. The dates of testing (two or more) for that calendar year
 - b. The total number of sworn officers in that law enforcement agency
 - c. The total number of sworn officers tested
 - d. The total number of sworn officers that tested positive

- e. The total number of sworn officers who refused a test.
8. The Annual Results of Drug Testing form (see attachment) must be submitted to the Bergen County Prosecutor's Office by December 1st of each calendar year. In order to meet that deadline, the BCPO suggests that the second random testing be scheduled prior to October 1st of each year. The completed form should 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

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

ATTACHMENT D

DRUG TESTING MEDICATION INFORMATION

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

Check all that apply:

___ A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

___ B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Name of Medication	Date Last Taken
1		
2		
3		

___ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

Social Security Number and Initials

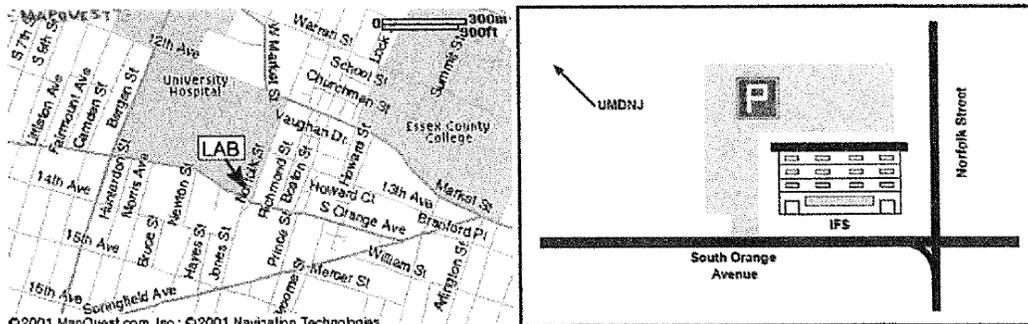
Date

Signature of Witness

Date

ATTACHMENT E

Directions to



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:

1. Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.
2. At the traffic light, make a left.
3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
4. Turn right and enter first driveway on right behind two story brick building (IFS).

**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:

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

Department: _____

Year: _____

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

PARTY MAKING NOTIFICATION TO COUNTY

Party making notification: _____

Date of Notification: _____