



ALLEN PASCUAL
Commissioner

**TOWNSHIP OF NORTH BERGEN
DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT**

LAW & PUBLIC SAFETY BUILDING
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PETER FASILIS
Chief of Police

EFFECTIVE DATE: Immediately		DIRECTIVE: General Order 13-15	
SUBJECT: DRUG SCREENING FOR LAW ENFORCEMENT		SECTION:	
REFERENCES: New Jersey Attorney General’s Law Enforcement Drug Testing Policy (Revised May 2012). New Jersey Attorney General Directive 2018-2			
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I. PREAMBLE:

- A.** The North Bergen 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.
- B.** 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.
- C.** 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.

II. PURPOSE:

- A. The goal of the policy is deterring illegal drug use by North Bergen Police Officers. The policy provides the North Bergen Police Department with a mechanism to identify and remove those police personnel engaged in the illegal use of drugs. Because illegal drug use is inconsistent with the duties, obligations and responsibilities of sworn law enforcement officers, the policy mandates that officers who test positive shall be terminated from employment.
- B. The policy sets forth uniform methods and procedures for implementing and administering law enforcement drug testing. The policy further outlines the duties and responsibilities of North Bergen Police Department, the Chief of Police and Internal Affairs Unit with respect to the drug testing process.

III. POLICY:

- A. In order to ensure the integrity of the North Bergen Police Department, and to preserve public trust and confidence in a fit and drug free police profession, this department has instituted a random drug testing program to deter prohibited drug use by sworn personnel.
 - 1. 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.

IV. DEFINITIONS:

- A. Applicant- any person who applies for the position of police officer within the North Bergen Police Department.
- B. DRUG PAK- is the software program used by the North Bergen Police Department 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, (including a Special Law Enforcement Officer Class II) who is responsible for the enforcement of the

criminal laws of this state.

- E. Patrolman's Benevolent Association (P.B.A.) Local 18- the collective bargaining unit representing the members of the North Bergen 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. Special Law Enforcement Officer Class II (SLEO II)- is a sworn, part-time, law enforcement officer having powers of arrest and authorization to carry a firearm only while on-duty and when working inside the jurisdiction of the Township of North Bergen.
- M. Superior Officers Association (SOA) Local 18A- the collective bargaining unit representing the supervising officers of the North Bergen Police Department.
- N. 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.
- O. Sworn Personnel- are sworn police officers employed by the Township of North Bergen. Sworn Personnel includes Special Class II Law Enforcement Officers as well as sworn full-time police officers

V. PROCEDURE:

A. Internal Affairs Unit

1. Unless otherwise specified by the North Bergen Chief of Police, members of the North Bergen Police Department Internal Affairs Unit shall be responsible for all aspects of the North Bergen Police Department drug testing program.

B. Applicant

1. The North Bergen Police Department Drug Testing Policy recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The North Bergen Police Department reserves the right during the hiring process to drug test prospective employees at any point during the pre-employment process.
2. In addition, applicants for employment may be tested as many times as the North Bergen Police Department deems necessary to ensure that the applicants are not engaged in the illegal use of drugs.
 - a. 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.
3. During the pre-employment process, the North Bergen Police Department must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

C. Trainee:

1. Individuals hired as North Bergen Police Officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of North Bergen Police Department trainees will be conducted by the police academy staff under rules and regulations adopted 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 Hudson County Prosecutor, the North Bergen Chief of Police, or the police academy director.

D. Sworn Personnel:

- 1.** Sworn North Bergen Police Officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the North Bergen Police Department, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
- 2.** Sworn North Bergen Police Officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the Hudson County Prosecutor or the North Bergen Chief of Police.
- 3.** Urine specimens may also be collected from North Bergen Police Officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

E. Types of Testing

- 1. Random Testing**
 - a.** Random drug testing of North Bergen Police Officers is required by Attorney General Directive 2018-2. Random selection is defined as 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 (New Jersey Transit PBA Local 304 v. New Jersey Transit Comp., 290 N.J. Super 406, 432, App. Div. 1996).
 - b.** The number of officers to be selected each time a random test is conducted shall be ten percent (10%) of the sworn officers within the North Bergen Police Department that can be randomly tested each time.
 - c.** The North Bergen Police Department shall perform the random drug test at least twice in every calendar year; however, there is no maximum number of times the department may perform random drug tests. The

frequency and maximum amount of random drug tests shall be at the sole discretion of the North Bergen Chief of Police.

- d. The North Bergen Police Department has established a random drug testing program by rule, regulation and procedure. The rule is codified in the North Bergen Police Department Rules and Regulations Manual as adopted by thee the (Public Safety Commissioner) appropriate authority as defined by N.J.S.A. 40A:14-118 mandating random drug testing.
- e. The North Bergen Police Department has chosen a method of random selection through the administration of *DRUG PAK* Software which ensures that every sworn officer in the agency has an equal chance of being selected each and every time a selection takes place. In other words, an officer who has been selected on one or more previous occasions for a random drug test is not excused from future tests. The mechanism for selecting officers (DRUG PAK) as a custom computer program. The results of the random selection is recorded on the Random Drug Testing I.D. Number Selection form (Appendix G).
- f. The random selection process shall be verified and documented by members of the Internal Affairs Unit. The Internal Affairs Unit shall permit representatives of the collective bargaining units (PBA Local 18 and SOA 18A) to witness the selection process. Everyone present at the time of the selection, however, must understand that anyone who discloses the identity of an officer selected for random testing, or the fact that a random selection is scheduled to take place prior to the collection of urine specimens, will be subject to discipline.

2. Reasonable Suspicion Testing

- a. The North Bergen Police Department shall undertake drug testing when there is reasonable suspicion to believe a law enforcement officer is engaged in the illegal use of a controlled substance, or is under the influence of a controlled dangerous substance, including unregulated marijuana, or cannabis during work hours. 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" (Caldwell v. New Jersey Department of Corrections, 250 N. J. Super. 592, App. Div. 1991, cert. denied, 127 N.J. 555, 1991).
- b. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways (Drake v. County of Essex, 275 N.J. Super. 592, 609, App. Div. 1994). First, the amount of evidence needed

to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard (Drake v. County of Essex, 275 N.J. Super. 592, 609, App. Div. 1994). Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause" (Drake v. County of Essex, 275 N.J. Super. 592, 609, App. Div. 1994). The following factors should be evaluated to determine the quality and relevance of the information acquired by the North Bergen Police Department:

- i. The nature and source of the information;
 - ii. Whether the information constitutes direct evidence or is hearsay in nature;
 - iii. The reliability of the informant or source;
 - iv. Whether corroborating information exists and the degree to which it corroborates the accusation; and
 - v. Whether and to what extent the information may be stale.
- c. The North Bergen Police Department has included in its rules and regulations a provision governing reasonable suspicion drug testing. Before the North Bergen Chief of Police may order an individual officer to undergo reasonable suspicion testing, the Internal Affairs Unit 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. If the Chief of Police wishes to discuss whether the information the North Bergen Police Department possess is sufficient to conduct reasonable suspicion testing, he shall contact the Hudson County Prosecutor's Office for consultation and advice.

3. Reasonable Suspicion Testing for Cannabis Use

- a. Consuming or being under the influence of cannabis while at work or during work hours is strictly prohibited. Officers shall be tested for cannabis in the following situations:
 - i. Upon reasonable suspicion of the officer's use of a cannabis item while engaged in the performance of the officer's duties, or
 - ii. Upon a finding of observable signs of intoxication related to the use of a cannabis item while engaged in the performance of the

officer's duties.

- b.** In the above situations, the drug test shall include a physical evaluation by a Workplace Recognition Expert (WIRE) to determine the officer's state of impairment and a urinalysis.

F. Notification of Drug Testing Procedures

1. Applicants

- a.** The North Bergen Police Department shall notify applicants for law enforcement positions that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will:
 - i.** result in the applicant being dropped from consideration for employment;
 - ii.** cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and
 - iii.** preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test.
- b.** In addition, the notification will indicate that 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 will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey. Applicants shall be further informed that their refusal to submit to a drug test shall result in their no longer being considered for law enforcement employment in New Jersey.

2. Trainees

- a.** All newly appointed North Bergen Police Officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in:
 - i.** the trainee being dismissed from basic training;
 - ii.** the trainee's termination from employment;

have refused to submit to the drug test.

G. Specimen Acquisition Procedures:

1. Preliminary Acquisition Procedures

- a.** The North Bergen Police Department shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same gender as the individual being tested (the donor). In the event there is no member of the same gender available from the agency collecting the specimens, the agency may request that a member of the same gender from another law enforcement agency serve as monitor of the process.
- b.** Prior to the submission of a specimen, an applicant for a North Bergen Police Department 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. F of this policy. Applicants are not required to complete a Drug Testing Medication Information form at this time.
- c.** 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 III 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.
- d.** 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 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. 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.

2. Monitor's Responsibilities

- a.** The monitor shall be a member of the Internal Affairs Unit, unless specified by the Chief of Police due to a conflict.
- b.** The monitor shall be of the same sex as the officer being tested.
- c.** The monitor of the specimen acquisition process shall be responsible for:
 - i.** Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 - ii.** 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 (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
 - iii.** Complying with chain of custody procedures established by the NJ State Medical Examiner Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - iv.** Specimens shall be collected utilizing split collection kits supplied by the NJ State 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 NJ State Medical Examiner Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the Split Specimen Kits and Forensic Urine Drug Testing Custody and Submission Form (CSF).
 - v.** Collecting and submitting urine specimens in accordance with procedures established by the NJ State Medical Examiner Toxicology Laboratory.
- d.** In order to ensure the accuracy and integrity of the collection process a monitor may:
 - i.** 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.

- ii. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
- e. 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.

3. 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 agency 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 items on a clean surface.
- e. The specimen containers shall be kept closed/unsealed at this time.
- f. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
- g. 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.
 - i. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section 4. “Shy Bladder” Procedure below).

- h.** 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.
- i.** The monitor instructs the donor to split the collected specimen into the specimen containers.
- j.** 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.
- k.** The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
- l.** The monitor instructs the donor to seal the specimen containers with tamper-evidence seals from the CSF.
- m.** 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 (30 mL).
- n.** 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 (15 mL).
- o.** 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 that he or she provided.
- p.** The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
- q.** The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
- r.** 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.

- s. 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.
- t. Any remaining urine and the specimen collection container may be discarded.
- u. 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. (See Section H. Submission of Specimens for Analysis below).

4. "Shy Bladder" Procedure

- a. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - i. 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.
 - ii. 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.
 - iii. 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.

5. Split Specimen

- a. A donor whose specimen tested positive 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 Laboratory for a minimum of one year following the receipt of a positive drug test result from the

Laboratory by the submitting agency.

- c. The second specimen will be released by the laboratory under the following circumstances:
 - i. The agency is notified by the NJ State Medical Examiner Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - ii. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - iii. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test 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 laboratory by commercial courier also following accepted chain of custody procedures.
- e. Following testing of the second specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

H. Submission of Specimens to the Laboratory

1. The NJ State Medical Examiner Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Therefore, the North Bergen Police Department is not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by North Bergen Police Officers.
2. Urine specimens should be submitted to the NJ State Medical Examiners Toxicology Laboratory as soon as possible after their collection. In the event specimens cannot be submitted to the laboratory within one working day of its collection, the North Bergen Police Department shall store the specimens in a controlled access refrigerated storage area located in the Internal Affairs Supervisor's Office until submission to the Laboratory (Attachment E).
3. Submission of specimens to the Laboratory shall be accomplished by personnel from the North Bergen Police Department.

4. 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 NJ State Medical Examiner 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.
5. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the Laboratory shall inspect each specimen for damage and evidence of tampering.
 - a. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - b. Notify the submitting agency in writing with the reason for rejection clearly stated.

I. Analysis of Specimens

1. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the NJ State Medical Examiner 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, the North Bergen Chief of Police may request that specimens be analyzed for the presence of steroids.
2. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - a. Amphetamines
 - b. Barbiturates
 - c. Benzodiazepines
 - d. Cocaine
 - e. Methadone
 - f. Opiates

g. Oxycodone/Oxymorphone

h. Phencyclidine

i. Marijuana/Cannabis

- i.** Only to be included in the testing process under the following circumstances: the officer is assigned to a federal task force; the officer holds a federally regulated license, which requires testing (e.g. pilot or commercial driver's license); the law enforcement agency is specifically required to test by the terms of a federal contract or federal grant; or as outlined in the reasonable suspicion section of this policy.

3. The NJ State Medical Examiner Toxicology Laboratory utilizes a two-stage procedure to analyze specimens.

- a.** 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 metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
- b.** 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.

4. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the 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.

5. Applicants for employment as a North Bergen Police Officer are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the North Bergen Police Department, following notification from the Laboratory, must have the candidate 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 donor during the 14 days prior to the specimen collection. 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, and write their Donor ID on the envelope. The agency is responsible for submitting the envelope to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

6. In addition to the testing outlined above, specimens submitted to the NJ State Medical Examiner Toxicology Laboratory may be tested for additional substances at the request of the North Bergen Police Department submitting the specimen. The NJ State Medical Examiner Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as reference laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

J. Drug Test Results

1. The NJ State Medical Examiner Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made by the Laboratory to deliver these reports within 15 working days of the submission. Reports will be addressed to the Internal Affairs Supervisor listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
2. In some cases, the NJ State Medical Examiner 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.
3. Under no circumstances will the Laboratory provide the North Bergen Police Department 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.

K. Consequences of a Positive Test Result

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

- a. The applicant shall be immediately removed from consideration for employment by the agency.
 - b. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the North Bergen Police Department to which the individual applied.
 - c. 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.
 - d. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
2. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - a. The trainee shall be immediately dismissed from basic training subject to rules adopted by the Police Training Commission and suspended from employment by his or her appointing authority.
 - b. Upon final disciplinary action by the appointing authority, the trainee shall be terminated from employment as a North Bergen Police Officer.
 - c. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - d. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
3. When a sworn North Bergen Police Officer tests positive for illegal drug use:
 - a. The officer shall be immediately suspended from all duties.
 - b. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a North Bergen Police Officer.
 - c. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
 - d. The officer shall be permanently barred from future law enforcement

employment in New Jersey.

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

- 1.** Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- 2.** Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and suspended from employment. Upon a finding the trainee did in fact refuse to submit a sample, the trainee shall be terminated from the North Bergen Police Department and permanently barred from future law enforcement employment in New Jersey. The Chief of Police shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- 3.** Sworn North Bergen Police Officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn North Bergen Police 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.
 - a.** Any officer that has an approved scheduled vacation prior to a random drug test shall be excused.
 - b.** Any officer that is on the sick list at the time of the random drug test shall be excused.

M. Resignation / Retirement in Lieu of Disciplinary Action

- 1.** A sworn North Bergen Police 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 his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

N. Record Keeping

1. The North Bergen Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and sworn police officers.

2. Each agency's drug testing records shall include but not be limited to:

a. All drug testing:

- i.** the identity of those ordered to submit urine samples;
- ii.** the reason for that order;
- iii.** the date the urine was collected;
- iv.** the monitor of the collection process;
- v.** 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;
- vi.** the results of the drug testing;
- vii.** copies of notifications to the subject;
- viii.** for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
- ix.** for any positive result or refusal, appropriate documentation of disciplinary action.

b. Random drug testing, the records shall also include the following information:

- i.** a description of the process used to randomly select officers for drug testing;
- ii.** the date selection was made;
- iii.** a copy of the document listing the identities of those selected for

drug testing;

iv. a list of those who were actually tested; and

v. the date(s) those officers were tested.

- 3.** 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.

O. Central Drug Registry

- 1.** The North Bergen Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn police officers who test positive for the illegal use of drugs or refuse an order to submit to a drug test (Attachment F).
- 2.** A sworn North Bergen Police 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 his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- 3.** Notifications to the Central Drug Registry shall include the following information as to each individual:
 - a.** Name and address of the submitting agency, and contact person;
 - b.** Name of the individual who tested positive;
 - c.** Last known address of the individual;
 - d.** Date of birth;
 - e.** Social security number;
 - f.** SBI number (if known);
 - g.** Gender;
 - h.** Race;
 - i.** Eye color;
 - j.** Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 - k.** Date of the drug test or refusal;

- l.** Date of final dismissal or separation from the agency; and
 - m.** Whether the individual was an applicant, trainee or sworn North Bergen Police Officer.
- 4.** The certification section of the notification form must be completed by the Chief of Police and notarized with a raised seal.
- 5.** 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, New Jersey 08628-0068
- 6.** Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
 - a.** In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel; and
 - b.** In response to a court order.

P. Reporting Requirements:

- 1.** In the event of a positive drug test by an officer, a refusal by an officer to submit to the drug test, or the administration of a reasonable suspicion drug test to an officer, the Chief of Police shall provide a confidential written notice to the Hudson County Prosecutor or designee within 10 days. Upon completion of any disciplinary action, the Internal Affairs Supervisor shall report the discipline to the Hudson County Prosecutor or designee.
- 2.** The North Bergen Police Department shall submit an annual report to the Hudson County Prosecutor or designee by December 31st. 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.

Q. Confidentiality:

- 1.** Random drug testing policies adopted by the North Bergen Police Department shall be made available to the public upon request as per the Open Public Records Act (OPRA). The North Bergen Police Department Drug Testing Policy shall also be posted on department website at:

www.northbergenpd.com

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

R. 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, September, 1998.

S. Appendix:

- 1.** Drug Testing Attachment List:
 - a.** Attachment A: Applicant Notice and Acknowledgment
 - b.** Attachment B: Trainee Notice and Acknowledgement
 - c.** Attachment C: Officer Notice and Acknowledgement
 - d.** Attachment D: Drug Testing Medication Information Sheet (last 14 days)
 - e.** Attachment E: Directions to NJ State Medical Examiner Toxicology Laboratory
 - f.** Attachment F: Notification to the Central Drug Registry
 - g.** Attachment G: Random Drug Testing I.D. Number Selection

VI. VIOLATIONS:

- A.** Any Sworn Personnel who violate the provisions of this General Order shall be subject to progressive disciplinary action, including but not limited to the possibility of termination.
- B.** Any Employee of the North Bergen 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.



Peter Fasilis
Chief of Police

ATTACHMENT A

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

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

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

ATTACHMENT D

North Bergen Police Department
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.

Donor ID and Initials

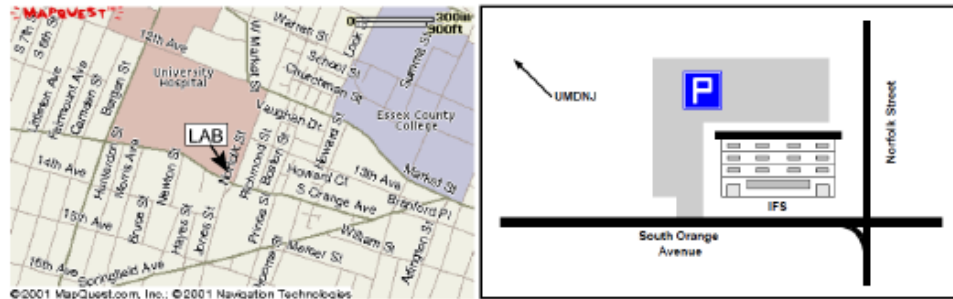
Date

NBPD Form 200

ATTACHMENT E

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).

ATTACHMENT F

ATTACHMENT G

**APPENDIX G
RANDOM DRUG TESTING I.D. NUMBER SELECTION**

DATE:	DAY:	TIME:
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NUMBERS SELECTED

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

This document certifies that the above selection was conducted under the guidelines established in this policy, by the Hudson County Prosecutor and the Attorney General of the State of New Jersey.

CHIEF OF POLICE:	I.A. COMMANDER:
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=====

I / we certify that the above selection was conducted in my / our presence:

PBA:	DATE:
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I / we declined to witness the above selection:

PBA:	DATE:
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NBPD Form # 198