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LAW ENFORCEMENT DIRECTIVE NO. 2017-3

TO: ALL BERGEN COUNTY CHIEFS OF POLICE AND DIRECTORS

FROM: PROSECUTOR GURBIR S. GREWAL

RE: HEROIN ADDICTION RECOVERY TEAM

DATE: April 10, 2017

1. OVERVIEW

The purpose of Directive 2017-3 (“Directive”) is to codify the Bergen County Prosecutor’s Office (“BCPO”) policy and procedures concerning the Heroin Addiction Recovery Team (“HART”), which is designed to direct those suffering from the disease of addiction towards recovery resources.

2. POLICY

Heroin and opioid overdoses continue to rise across our country and across our state, including in Bergen County. This increase is attributable to both an overall rise in the number of individuals abusing heroin and opioids and to an increase in the potency of the heroin being sold in our state, which is often mixed or substituted with fentanyl, a synthetic opioid up to 50 times more powerful than heroin. To combat this growing epidemic, the BCPO has implemented a three-prong approach, which focuses on *(1) innovative criminal enforcement*, *(2) treatment options for addicts*, and *(3) educational programming* to prevent individuals from becoming addicted to opioids and heroin.

The HART program is a natural extension of the BCPO’s efforts to offer *treatment options* to addicts. It is designed to reduce the impact of heroin and opioid abuse in Bergen County by encouraging those suffering from the disease of addiction to seek help and experience recovery. Accordingly, pursuant to this Directive, all Bergen County law enforcement agencies are directed to treat all those suffering from addiction with compassion, care, and concern, to provide resources to assist in their recovery, and to abide by the following principles:

- Bergen County law enforcement will continue to support a three-prong approach to combatting our county’s heroin and opioid epidemic – focusing on *innovative*

criminal enforcement, treatment options for addicts, and *educational programming*.

- All county law enforcement must recognize that addiction is a disease which can benefit from medical intervention and treatment.
- All county law enforcement must be cognizant that while performing their duties they may encounter parties suffering from an opiate addiction.
- All county law enforcement interacting with persons suffering from addiction shall be compassionate, professional and understanding at all times. Many times people suffering from addiction ask for help only as a last resort and may be considering self-harm. Professional law enforcement interaction can make a difference.
- In instances where law enforcement must take action and arrest an addicted individual and are unable to exercise discretion, officers shall supply that individual with information regarding the HART program and other related services upon release of that person.
- All county law enforcement agencies shall make use of social media (where applicable) to inform the public about the HART program.
- All Chiefs of Police or county law enforcement executives participating in the HART program shall determine the days and hours of operation of the HART program in their respective agency, working in coordination with treatment professionals selected in consultation with the BCPO (hereafter, the “Designated Providers”).

3. EFFECTIVE DATE AND APPLICABILITY

This Directive shall take effect immediately upon issuance and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Prosecutor. At this time, however, the HART program is being rolled out as a pilot program and only the following Bergen County law enforcement agencies are authorized to participate in the program: the Paramus Police Department; the Mahwah Police Department; and the Lyndhurst Police Department (collectively, the “Participating Agencies”). In the future, the BCPO anticipates authorizing additional agencies to participate in the program. Nevertheless, all county law enforcement agencies shall abide by the general principles outlined in Section 2 above.

4. PROCEDURES

A. General Procedures

1. Participating Agencies will establish one day per week, during which the HART will be available at their agency. The Participating Agencies will

advertise their HART day and hours to the public, using among other things social media, and inform the public that during those hours they will make available to those suffering from addiction, among other help, the recovery resources outlined herein.

2. Participating Agencies will designate a “HART Officer,” who shall be assigned to work at the agency during HART hours and interact with all persons who seek help with their addiction to heroin, opioids, or any substance.
3. Any person who voluntarily enters the Participating Agencies and requests help with his/her addiction to heroin, opioids or any other substance shall be immediately screened for potential participation in the HART program.
4. The HART participant shall be treated with respect, care and compassion and reassured that assistance will be provided.
5. Although the HART program is designed to apply to persons who present themselves at the Participating Agencies voluntarily, an officer from the Participating Agency who encounters a person outside the police station has the discretion, based upon his/her training and experience, to take this person to the police station if the person consents to the voluntary screening process for the HART.
6. The HART shall never be used as a “get out of jail free” card, but officers believing the HART may assist an individual shall consider that option.
7. If a potential HART participant presents himself/herself at a police station in possession of personal use quantity of narcotics or drug paraphernalia (e.g., needles), that person shall not be criminally charged. Nevertheless, all contraband shall be collected and secured as per evidence procedures and submitted for later destruction.
8. ***Participation in the HART program is strictly voluntary.*** If at any point, a HART participant elects not to request or continue with the program screening, he/she shall be allowed to depart and no force will be used to detain him/her or prevent him/her from doing so. He/She will not be charged with any contraband already relinquished.
9. Any questioning by law enforcement of a HART participant shall not undermine the intended purpose of the HART, which is to encourage persons to seek police assistance in getting help for their addiction without fear of arrest or police action.

10. The HART Officer or other agency personnel having initial contact with a HART participant will immediately notify the shift supervisor that a potential HART participant is requesting help with their addiction.

B. Shift Supervisor's Responsibilities:

1. When a HART participant enters the agency, he/she shall be secured in a designated HART area. He/She shall have an officer assigned to him/her until he/she has departed the station, and/or is turned over to one of the Designated Providers.
2. The HART participant shall be under visual observation to ensure he/she does not become ill or are in distress prior to the assignment of an officer.
3. If at any time the participant appears to be in medical distress, appears to be physically ill, or requests medical assistance, EMS shall respond and treat this as a medical emergency.
4. The Shift Supervisor shall ensure a CAD entry indicating a "HART" participant is generated and will include the officer who is assigned to the participant.

C. HART Officer's Responsibilities:

1. Upon contact with the HART participant, the HART Officer shall first ensure that the participant has turned over all contraband and is not in possession of any weapon or instrument that can harm the officer.
2. The HART Officer shall complete the HART Participant Intake/Release Form (attached), pursuant to which the participant consents to allow the HART Officer to perform a safety frisk for weapons and other contraband. The intent of the frisk is to provide a safe environment for the participant, the officer, and all others coming in contact with them.
3. The HART Officer shall then escort the HART participant to the designated HART area in the police station.
4. The HART Officer will assure the HART participant that the goal is to assist him/her in obtaining treatment for his/her addiction through the Designated Provider.
5. The HART Officer shall take steps to positively identify the participant.
6. The HART Officer shall again inquire if the HART participant has any drugs or contraband to relinquish. If any additional items are recovered, all shall be secured as per agency evidentiary procedures.

7. The HART Officer shall ensure a NCIC/SCIC check and a Megan's Law registry check is conducted on the participant.
8. Upon completion of the screening process, the HART Officer shall complete an agency report as designated by the Participating Agency.

D. Disqualification:

1. The following factors shall disqualify a person from participating in the HART program:
 - a. The individual is under 18 years of age and does not have parental or guardian consent.
 - b. The HART Officer or shift supervisor has a reasonable belief that the individual may be a danger to either his/herself or others.
 - c. The individual has an outstanding warrant that cannot be rectified by the HART Officer. In that instance, the individual shall be given all relevant treatment and program information prior to being transported from the agency. Additionally, the officer shall contact the respective provider and advise them that an individual seeking to participate in the HART program has been remanded to the Bergen County Jail. The Designated Provider will follow up with the HART participant while at the County Jail and make provisions for the participant to enter the program upon release from jail.
 - d. If at any time an individual is noted to be in medical distress, appears to be physically ill, or requests medical assistance, emergency medical personnel shall be contacted immediately and respond as a medical emergency. If the individual is transported to a medical facility, the Designated Provider shall be made aware of the individual's interest in obtaining assistance.
2. The HART Officer shall provide the Designated Provider with all relevant, non-protected background information concerning the participant. (NOTE: protected information includes results of a CCH/III and any other personal medical information protected by the *Americans with Disability Act*, unless the participant agrees to such disclosure).

E. Post-Screening Procedures:

1. After the HART Officer has determined an individual is eligible for participation in the HART program, the HART Officer shall refer the participant to the Designated Provider.

2. The HART Officer shall complete the HART Participant Intake/Release Form and provide a copy to both the Designated Provider and the BCPO. The forms shall be emailed to the BCPO at the following address: **HART@BCPO.NET**.
3. The HART Officer or shift supervisor, upon completion of the HART screening process, shall provide transportation for the participant to the Designated Provider or treatment facility arranged for by the Designated Provider as soon as reasonably possible and document same as per agency procedures.

5. QUESTIONS

Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Chief of Detectives of the Bergen County Prosecutor's Office, or his/her designee.



GURBIR S. GREWAL
BERGEN COUNTY PROSECUTOR

Attachment: HART Participant Intake/Release Form

