

<b>BERGEN COUNTY PROSECUTOR'S OFFICE</b>			
<b>CHAPTER: 6</b>	<b>SECTION:</b>	<b># OF PAGES: 15</b>	
<b>SUBJECT: LAW ENFORCEMENT DRUG TESTING</b>			
<b>BY THE ORDER OF:</b> Prosecutor Mark Musella		<b>ACCREDITATION STANDARDS:</b> 1.3.3	
<b>Effective Date:</b> January 21, 2021		<b>SUPERSEDES ORDER #: December 03, 2019</b>	

**PURPOSE:** The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised December 2020, and New Jersey Attorney General's Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees of the agency's drug testing policy.

**POLICY:** This policy and the procedures set forth herein are solely to assist the staff of the Bergen County Prosecutor's Office in the orderly and efficient execution of official duties. They are for internal purposes and should not be construed to create rights which do not otherwise exist by reason of law. Failure to comply with this policy or the procedures set forth herein may result in disciplinary action. However, failure to comply with this policy does not affect the integrity of an investigation or admissibility of evidence in an investigation.

The Bergen County Prosecutor's Office, as a law enforcement agency, requires that its employees be held to the highest standards of conduct. To preserve the integrity of the Bergen County Prosecutor's Office and to ensure that the citizens of Bergen County are provided with service and protection by employees whose competence and fitness for office are beyond question, drug abuse by Office employees shall not be tolerated. Further, illegal drug use by an Investigator of the Bergen County Prosecutor's Office, 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 Bergen County Prosecutor's Office.

The Office 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 Bergen County Prosecutor's Office that any offers of employment, including volunteer employment, shall be conditioned on the candidate's submission of a urine sample for the purpose of drug screening the candidate's submission of a urine sample for the purpose of drug screening.

This written directive is considered an annex to the Rules and Regulations of the Bergen County Prosecutor's Office.

## **PROCEDURES:**

### **I. APPLICABILITY**

- A. This policy applies to:
  - 1. Applicants for any position as an employee, whether paid or voluntary;
  - 2. All Bergen County Investigators trainees while they attend a mandatory basic training course or policy academy; and
  - 3. All current employees, regardless of rank, position or assignment, whether paid or voluntary.

### **II. NOTIFICATION OF DRUG SCREENING REQUIREMENT FOR PROSPECTIVE EMPLOYEES**

- A. All advertisements and announcements of positions in the Office shall include notification that drug screening through urinalysis is mandatory during pre-employment and again during training. This notification shall also indicate that a negative result is a condition of employment both before and during the probationary appointment and that a positive result shall result in termination.
- B. An applicant for a position shall be requested to sign a waiver (Attachment A, appended hereto), consenting to a sampling and testing of urine during the employment screening process. Any refusal to undergo the testing or testing process will result in a rejection for employment.
- C. This waiver shall include notification that we have agreed to an applicant for a sworn law enforcement position, who produces a positive test result for illegal drug use shall result in:
  - 1. Rejected for employment.
  - 2. Included in 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 law enforcement employment.
  - 3. Barred from future law enforcement employment in New Jersey for two years. After this two-year period, the positive test result may be considered in evaluating the candidate's fitness for future law enforcement employment.
  - 4. If the applicant is currently employed as a sworn law enforcement officer and the applicant produces a positive test result for illegal drug use, that sworn officer's employing agency will be notified of the positive test result. In addition, the applicant will be permanently barred from law enforcement employment.
- D. Testing Periods
  - 1. Applicants: Applicants for a position as an employee, paid or volunteer, may be required to submit a urine specimen at any time prior to appointment.

2. County Investigator Trainees: Investigator 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).
3. 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 Bergen County Prosecutor, the Chief of Investigators, or their designees.

E. Reasonable Suspicion Testing

1. Reasonable suspicion is specific, articulable facts which, when combined with reasonable inferences, form the basis for suspecting that the particular person is using a substance which impacts on the performance of their duty.
2. All Employees: Urine specimens shall be ordered from any employee when there is reasonable suspicion to believe that the employee is illegally using drugs. Urine specimens shall not be ordered from an employee without the approval of the Bergen County Prosecutor, the Chief of Investigators or their designees.
3. Any Employee Authorized to Carry a Firearm under N.J.S.A. 2C:39-6: Urine specimens shall be ordered from these employees who have been randomly selected to submit to a drug test. Random selection is defined herein.
4. Drug testing through urinalysis shall be conducted when there are facts that provide a reasonable objective basis to suspect that an employee is illegally using drugs.
5. Any employee who has reasonable suspicion to believe that a fellow employee is illegally using drugs shall immediately report that fact, in writing, to the Chief of County Investigators. This notification shall include detailed observations that led the reporting employee to this conclusion.
6. The Chief of County Investigators, in conjunction with the Confidential Investigations Unit, (hereinafter CIU) shall review the information to determine if sufficient reasonable suspicion exists to order a drug test.
7. If further investigation is needed, it shall be conducted by the CIU.
8. The CIU, at the conclusion of the investigation, shall report to the Chief of County Investigators and the Bergen County Prosecutor its findings and conclusions as to the reasonable suspicion of the employee using illegal drugs.
9. If the Bergen County Prosecutor, the Chief of Investigators or their designee find that reasonable suspicion exists, the employee shall be ordered to submit a urine sample for drug testing in compliance with this policy.

F. Random Drug Testing

1. All County Investigators or any other employees who are authorized to carry firearms under N.J.S.A. 2C:39-6 are eligible for random drug testing, regardless of rank or assignment.
2. Random selection shall be defined as a method of selection in which each and every employee, regardless of rank, position or assignment, has an equal chance to be selected for drug testing, each and every time a selection is conducted.
3. The random selection process shall be administered as follows:
  - a. the CIU shall conduct the selection process.
  - b. Each time a random selection for drug testing occurs, the Bergen County Prosecutor's Office shall select no more than 15% of those employees eligible for selection.
  - c. 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.
  - d. One representative of every organization representing the employee shall be permitted to witness the selection process.
  - e. At a minimum, random drug testing shall be conducted at least twice a year.
4. Any employee of the Bergen County Prosecutor's Office 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.
5. A system to collect urine specimens from selected sworn law enforcement officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
6. Sworn law enforcement officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, are subject to the same penalties as those sworn law enforcement officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen shall be deemed to have refused to submit to the drug test.
7. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

### III. SPECIMEN ACQUISITION PROCEDURES

#### A. Preliminary Acquisition Procedures

1. The CIU shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the CIU, a County Investigator of the same sex from another unit shall be assigned to assist the CIU as monitor of the process.
2. Before the submission of a specimen by an applicant for a position with the Office, the applicant shall execute a "Drug Testing Applicant Notice and Acknowledgement" form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A). Applicants are not required to complete a Drug Testing Medication Information form at this time.
3. County Investigator trainees shall execute the "Trainee Notice and Acknowledgment (Attachment C - appended hereto).
4. Trainees and employees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), dietary supplements, and nutritional supplements that were ingested in the past 14 days. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal, and write their unique identifier (Donor ID) on the envelope.

#### B. Monitor 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 (Donor ID). At no time shall a name appear on any form or specimen container sent to the Laboratory.
  - c. Complying with chain of custody procedures established by the Laboratory for the collection and submission for analysis of urine specimens.
  - d. Specimens shall be collected utilizing split collection kits supplied by the 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 Forms (CSF).

- e. Collecting and submitting urine specimens in accordance with procedures established by the 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. 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.

C. Specimen Collection

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor completes the agency information, donor identification, and test information sections of the Custody and Submission Form (CSF).
3. The monitor allows the donor to select one NJ Medical Examiner State Toxicology Laboratory issued sealed split specimen collection kit.
4. The donor unseals the split specimen collection kit, removes the specimen bag and specimen containers from the specimen collection container, and places all items on a clean surface.
  - a. The specimen containers shall be kept closed/unsealed at this time.
  - b. The specimen collection container and specimen containers should be kept within view of both the donor and the monitor.
5. The monitor instructs the donor to void a specimen of at least 45 mL into the specimen collection container, to not flush the toilet, and return with the specimen container immediately after the specimen is produced.
6. The monitor checks the specimen for adequate volume and the temperature indicator strip on the specimen container within 4 minutes.
  - a. 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.

- b. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
7. The monitor instructs the donor to split the collected specimen into the specimen containers.
  - a. The donor opens both specimen containers and pours at least 30 mL of urine from the collection container in the primary specimen container and at least 15 mL of urine from the collection container in the secondary specimen container.
  - b. The donor secures both specimen containers by placing and securing the lids/caps on the specimen containers.
8. The monitor instructs the donor to seal the specimen containers with tamper-evident seals from the CSF.
  - a. The donor carefully removes the Bottle A Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the primary specimen container with the greater volume of urine (30 mL).
  - b. The donor carefully removes the Bottle B (SPLIT) Specimen Container Security Seal from the CSF and places it over the lid/cap and down the sides of the secondary specimen container with the lesser volume of urine (15 mL).
  - c. After the seals are placed on the specimen containers, the donor writes the collection date and his or her initials in the space provided on the security seals to certify that the specimen containers contain the specimen that he or she provided.
9. The monitor prints his/her name, signs and dates the monitor/agency acknowledgement section of the CSF.
10. The monitor instructs the donor to place both specimens in the front pouch of the specimen bag that contains the absorbent pad.
11. 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.
12. 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.
13. Any remaining urine and the specimen collection container may be discarded.
14. 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 V. Submission of Specimens to the Laboratory below).

D. "Shy Bladder" Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
  - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
  - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
  - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Split Specimen

1. 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.
2. The split specimen will be maintained at the Laboratory for a minimum of one (1) year following the receipt of a positive drug test result from the Laboratory by the submitting agency.
3. The split specimen will be released by the Laboratory under the following circumstances:
  - a. The agency is notified by the Laboratory that the first specimen tested positive for a controlled substance;
  - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
  - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. A representative of the split test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the second test laboratory by commercial courier also following accepted chain of custody procedures.
5. Following testing of the split specimen, the independent laboratory will report the result of the split specimen drug test to the donor, to the submitting agency, and to the NJ State Medical Examiner Toxicology Laboratory medical review officer.

## **V. SUBMISSION OF SPECIMENS TO THE LABORATORY**

- A. 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. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Every effort will be made to submit urine specimens to the Laboratory within 24 hours of collection. In the event a specimen cannot be submitted to the laboratory within 24 hours of collection, the Office shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
  - 1. Sworn personnel from the Office will submit the specimen to the State Toxicology Laboratory.
  - 2. Specimens may be submitted to the Laboratory by commercial courier using “next day delivery” or in person. (appointments only)
- C. The 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.
- D. 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.
  - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
  - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

## **VI. ANALYSIS OF SPECIMENS**

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the 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 final reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids. The steroid test shall be for an additional cost to the Department.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
  - 1. Amphetamines;
  - 2. Barbiturates;
  - 3. Benzodiazepine;

4. Cocaine;
  5. Marijuana/Cannabis;
  6. Methadone;
  7. Opiates;
  8. Oxycodone/Oxymorphone;
  9. Phencyclidine;
  10. other drug or substance deemed necessary by the County Prosecutor or Attorney General.
- C. The Laboratory utilizes a two-stage procedure to analyze specimens.
1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.
  2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
- E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
- F. In addition to the testing outlined above, specimens submitted to the Laboratory may be tested for additional substances at the request of the Bergen County Prosecutor's Office. The 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 substances.

## **VI. DRUG TEST RESULTS**

- A. The Laboratory shall notify the CIU of test results from the specimens submitted for analysis. All reports shall be in writing. In addition, the Laboratory will provide the Office with written documentation of the specimens that tested negative.
- B. In some cases, the 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 CIU shall notify the individual of the results of a positive test result as soon as practical after receipt of the report from the Laboratory. Upon request, the individual may receive a copy of the laboratory report.
- D. Under no circumstances may the Bergen County Prosecutor's Office or an individual resubmit a specimen for testing or ask that a particular specimen within the Laboratory be retested.

## **VII. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. When an applicant tests positive for illegal drug use:
  - 1. The applicant shall be immediately removed from consideration for employment by the Bergen County Prosecutor's Office;
  - 2. Additionally, a-c shall only apply to sworn law enforcement applicants; not civilian applicants, including interns.
    - a. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police; and
    - b. 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.
    - c. 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 the Central Drug Registry maintained by the Division of State Police and the applicant will be permanently barred from law enforcement employment.
- B. When a trainee tests positive for illegal drug use:
  - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by the Office;

2. Upon final disciplinary action, the trainee shall be terminated from employment;
  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 an employee tests positive for illegal drug use:
1. The employee shall be immediately suspended from all duties;
  2. The employee shall be administratively charged and, upon final disciplinary action, terminated from employment with the Office;
  3. If the individual is a sworn law enforcement employee, that employee will be reported to Central Drug Registry maintained by the Division of State Police and shall be permanently barred from future law enforcement employment in New Jersey.

## **VIII. 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 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.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment with the Bergen County Prosecutor's Office and be permanently barred from future law enforcement employment in New Jersey. In addition, the Office 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 employee who refuses to submit to a drug test ordered in response to reasonable suspicion (or in the case of County Investigators or other armed employees, random selection) shall be immediately suspended from all duties. Upon a finding that an employee did, in fact, refuse to submit a sample, the individual shall be terminated from law enforcement employment with the Bergen County Prosecutor's Office and be permanently barred from future law enforcement employment in New Jersey. In addition, the Office shall forward the individual'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 employee cannot produce a specimen, the employee's actions will be treated as a refusal. In addition, 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.

## **IX. RECORD KEEPING**

- A. The Confidential Investigations Unit of the Bergen County Prosecutor's Office shall maintain all records relating to the drug testing of applicants, trainees and employees.
- B. The Office's drug testing records shall include but not be limited to:
  - 1. For all drug testing:
    - a. the identity of those ordered to submit urine samples;
    - b. the reason for that order;
    - c. the date the urine was collected;
    - d. the monitor of the collection process;
    - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the Laboratory;
    - f. the results of the drug testing;
    - g. copies of notifications to the subject; and
    - h. for any positive result or refusal, appropriate documentation of disciplinary action.
  - 2. For random drug testing, the records will also include the following information:
    - a. a description of the process used to randomly select officers for drug testing;
    - b. the date selection was made;
    - c. a copy of the document listing the identities of those selected for drug testing;
    - d. a list of those who were actually tested; and
    - e. the date(s) those officers were tested.
- C. 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.

## **X. CENTRAL DRUG REGISTRY**

- A. The Bergen County Prosecutor's Office shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and County Investigators who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment F.

- B. 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, and contact person;
  2. name of the individual who tested positive;
  3. last known address of the individual;
  4. date of birth;
  5. social security number;
  6. SBI number (if applicable);
  7. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
  8. Copy of the toxicological report;
  9. date of final dismissal from the agency; and
  10. whether the individual was an applicant, trainee or sworn law enforcement officer.

- C. 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

- C. Consequences of Altering or Attempting to Alter The Outcome of a Drug Test

1. 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.
2. 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.

## **XI. NOTIFICATION TO ATTORNEY GENERAL**

- A. In the event of (1) a positive drug test by an officer, (2) a refusal by a sworn law enforcement officer to take the drug test, or (3) administration of a reasonable suspicion drug test to a sworn law enforcement officer, the County Prosecutor or a designee shall provide a confidential written notice to the Attorney General or his/her designee within 10 days. Upon completion of any disciplinary action, the Bergen County Prosecutor's Office shall report the discipline to the Attorney General or designee.

- B. By December 31st of each year, the Bergen County Prosecutor's Office shall record the dates of testing conducted during the prior year, the total number of sworn law enforcement officers employed by the agency, the total number of sworn law enforcement officers tested, and the total number of sworn law enforcement officers who tested positive.
- C. By January 31st of each year, the Bergen County Prosecutor's Office shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutor's Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the supervision of the Bergen County Prosecutor's Office that are in compliance with Attorney General Directive 2018-2 and those that are not. The summary shall not reveal any subject officer's identity.

## **XII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. The Bergen County Prosecutor's Office Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XI, also shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.