WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Drug and Alcohol Policy		Policy # 5.1.10
Accreditation N/A		
Effective Date: January 1, 2008	Revised Date:	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

5.1.10 DRUG AND ALCOHOL POLICY

A. POLICY

It is the policy of West Norriton Township Police Department to set forth circumstances under which employees will be required to take a test to determine whether or not the employee has used narcotics, illegal drugs, abused legally prescribed drugs and/or abused the use of alcohol. We, as a law enforcement organization demand freedom from illegal drugs and/or alcohol misuse to maintain the integrity of our profession.

B. PURPOSE

The department has a legal responsibility and management obligation to ensure a safe working environment, as well as a paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their duties.

Both the department and its employees are exposed to liability if the department fails to ensure that its employees are able to perform their duties without endangering themselves or the public.

There is sufficient evidence to conclude that the use of illegal drugs, drug dependence and drug abuse, alcohol or other substance abuse, seriously impair an employee's performance, as well as his general physical and mental health. The illegal possession and use of drugs and narcotics is a crime and clearly unacceptable by department employees. There are unique corruption hazards associated with unlawful drug possession and use by police officers.

The following parameters have been established to ensure that all employees are fit for duty; aware of the ramifications of being involved in drug/alcohol abuse as it relates to their employment, and to be aware of the steps of implementation of this policy.

C. DEFINITIONS

1. Drug Test - a urinalysis/blood test, consisting of both a drug "screen" test and confirmatory test (to be used in the event drug screen test results are positive),

administered under approved, pre-established conditions and procedures for the purpose of detecting illegal drug use by employees. In all cases of a positive result from a drug "screen" test, the officer will automatically submit to another test (confirmatory) at the same testing facility or another chosen by the township.

2. Reasonable Suspicion - A suspicion based on specific objecting facts and reasonable inferences drawn from those facts in light of experience that 1) an employee is then under the influence of drugs, or 2) that the employee has used a controlled substance and it is reasonable to believe that said controlled substance would be presently detectable in the employee's urine/blood through a drug test. The standard of reasonable suspicion is less than probable cause.

3. The word drug(s) include alcohol in its meaning.

4. The words police officer, officer, employee are interchangeable.

D. PROCEDURES

1. It is a condition of employment that all department employees be free from illegal drug use and abuse and all other substance abuse including legally prescribed drugs, and alcohol.

2. An employee will be required to submit to drug and/or blood alcohol testing upon the order of command rank personnel (Chief, Lieutenant) under the following circumstances:

   a. Reasonable suspicion
   b. Vehicle accident while operating a township owned vehicle
   c. Discharge of weapon
   d. Promotions
   e. Hiring
   f. Assignment to a special unit

3. Officer(s) who are required to take prescription medicine that may affect the officer's ability to perform his/her duties while on duty shall notify his/her supervisor prior to reporting for duty.

4. Officers who have knowledge that another police officer is illegally using drugs or narcotics shall immediately report the facts and circumstances to their supervisor.
5. Refusal by a police officer to take the required drug test shall be considered insubordination and will result in the immediate relief from his/her police duties pending disposition of any administrative action.

6. Department employees shall not ingest, inhale, inject, or otherwise take any narcotics or controlled substances unless same have been prescribed for the

employee for medical purposes by a person licensed to practice medicine or prescribe medication.

E. VOLUNTARY ADMISSION

1. Any employee who is aware that he/she is dependent upon narcotics (prescribed or otherwise), or controlled substance or types of drugs, or alcohol, and who voluntarily admits same prior to being ordered to submit to a drug test, shall not be disciplined. Rather, he/she shall be permitted to take unpaid leave of absence, or to utilize his accumulated vacation and/or sick leave for the purpose of obtaining rehabilitative treatment for his/her dependency. This option, however, is afforded to an employee only once during his/her tenure with the department for rehabilitative treatment for narcotics/controlled substance dependency and only twice during his/her tenure with the department for rehabilitative treatment for alcohol dependency.

2. While in treatment, an officer may return to limited duty assignment that does not require carrying a gun or operating a vehicle provided the officer has a negative test result and such an assignment is available.

3. Before returning to active duty, the employee must receive a negative drug test result through a department sanctioned laboratory. After being returned to duty, the employee will be required to take mandatory tests, the number not to exceed (4), during the first fifteen (15) months. Said tests will be conducted at a time set by the department.

F. REASONABLE SUSPICION

1. Any command rank officer who has a reasonable suspicion that another employee is using drugs or controlled substances shall immediately advise the employee of the basis for the reasonable suspicion and order the employee to take a drug test.

2. Any supervisory department employee, not of command rank, who has a reasonable suspicion that another is using drugs or controlled substances, shall immediately report the facts and circumstances which form the basis for the suspicion to command officer. When the command officer concurs that reasonable suspicion of drug or controlled substance use by the employee exists, the command officer will advise the employee of the basis for the reasonable suspicion and order the employee to submit to a drug test.

3. Any non-supervisory department employee who has a reasonable suspicion that another employee is using drugs or controlled substances shall immediately report the facts and circumstances which form the basis for the reasonable suspicion to his/her supervisor. Failure to do so shall subject the employee to disciplinary action. The supervisor shall then follow the procedures stated above.

4. Command personnel ordering an employee to submit to a drug test shall prepare a report setting forth the specific facts and reasons which form the basis for the reasonable suspicion that led to the order for testing. The report shall be forwarded to the Chief of Police, who shall maintain it in strict confidence until it shall be disposed of.

5. Allegations of miscellaneous drug related activity which would also be considered reasonable suspicion requiring a drug test include, but are not limited to the following:

    a. Unauthorized involvement with a person or enterprise engaged in the illegal sale, delivery, manufacture, purchase, or possession of drugs and narcotics.
    b. Illegal sale, delivery, manufacture, purchase, or possession of drugs and narcotics.
    c. Whenever the results of a preliminary criminal investigation indicate a reasonable suspicion to believe that the accused officer is involved in illegal drug-related activity; or upon completion of the initial stages of an administrative investigation which indicates a reasonable suspicion to believe that the accused officer is personally using illegal drugs or is personally misusing or abusing legally prescribed or dispensed medications.

6. A reasonable suspicion exists when a person has a reasonable belief that an individual is under the influence of a drug or drugs which affect behavior, supportable by direct observation, articulable reasons and common sense. In addition to other evidence of suspected drug abuser, the following are some of the indicators that may give rise to a reasonable suspicion to believe that an employee's physical or mental abilities to perform assigned duties and responsibilities are affected by drugs.

    a. Changes in speech pattern.
    b. Staggering gait or poor coordination.
    c. An accident while operating a township owned or leased vehicle, equipment or property.
    d. Unusual behavior, variations in mood, deterioration of performance during a work period.
    e. Physical or verbal altercations.
    f. Possession of drugs.
    g. Information from a reliable person, with personal knowledge, who is willing to publicly state the information.
    h. Erratic operation of a motor vehicle.

G. PROCEDURE FOR ORDERING DRUG TESTING

1. The accused officer will be presented with the accusations and will sign his/her name at the bottom of the report indicating that the officer has read it. This

signature will in no way be considered an admission of guilty, but only an acknowledgment of the fact that the report was read. A copy of this report will be given to the accused officer.

2. Submission to drug testing shall include compliance with all preliminary testing requirements including, but not limited to an initial medical interview and the execution of certain forms.

3. If the accused officer agrees to take the drug test, that officer shall complete and sign the Drug Testing Consent Form, which shall be read to the officer. A copy of the Consent Form will be given to the accused.

4. An employee who fails or refuses to submit to a drug and/or blood alcohol test under the circumstances, terms, and conditions set forth, shall be subject to disciplinary action, up to and including dismissal. Any employee who does submit to drug or alcohol testing pursuant to the circumstances, terms and conditions of the Order, and whose confirmatory drug test and/or blood alcohol test indicates a positive result, shall be subject to disciplinary action, up to and including dismissal.

H. URINARY/BLOOD PROCEDURE

1. A supervisor will transport officer(s) to a hospital where the test will be conducted.

2. The supervisor will verify all the preliminary documentation associated with the test for each officer by initialing it and will positively identify the officer prior to the test. A copy of the consent form given to the supervisor will return it to the Chief of Police.

3. The urine/blood specimen will be collected in a manner that will preserve the dignity of the officer and ensure the integrity of the sample. Supervisor will observe the removal of specimen from the officer.

4. The urine/blood specimen will be received from the hospital personnel by the observing supervisor.

5. The specimen along with the proper paperwork will be directly transported to the National Medical Laboratory for analysis. In the event the laboratory is closed, the specimen will be secured according to departmental procedures and transported at the earliest time to the laboratory.

I. ADMINISTRATIVE/DISCIPLINARY ACTION

1. No disciplinary action shall be taken against an employee who has been ordered to take and has taken a drug test based on reasonable suspicion, during the period between the time he is ordered to take the test and the time the test results are

received. During that period, however, the employee shall be required to surrender his/her weapon, and shall be placed on administrative leave with pay. Both actions shall be accomplished most discreetly and, whenever possible, without advising other personnel of the reasons.

2. If the confirmatory test of an employee's specimen indicates a positive result, the Chief of Police shall place the employee on administrative suspension and shall initiate a formal investigation against the employee in the manner set forth in the Police Manual for other violations of departmental rules and regulations.

3. Any probationary officer who refuses to take a test pursuant to this policy will automatically be terminated.

4. For all other employees where disciplinary action warrants (short of termination) will in addition to a suspension be required to take mandatory tests, not to exceed four (4) during the first fifteen (15) months of return to active duty. Said test will be conducted at a time set by the department.

5. All expenses for said treatment (if not covered by the township health plan) is the responsibility of the officer.

J. DOCUMENTATION CONFIDENTIALITY

1. If the results of the confirmatory test are positive, all documentation generated in connection with the performance of the test, including the consent and release form, records made in connection with specimen collection and test results, shall be made available to the employee. There shall be no dissemination of said documents to the public, except as may be necessary by law and/or as a result of the public grievance hearing.

2. If the results of the test are negative, or if the results of the confirmatory test indicate the presence of only prescribed or over-the-counter medication, all documentation generated in connection with the performance of the test (including the consent and release form, records made in connection with specimen collection and test results) shall be maintained in a file, in the strictest confidence. Said documentation shall be available only to the employee or his representative, upon production of written authorization. There shall be no dissemination of said documents to the public, except upon a request for a job reference for the employee from outside the department.

3. Any and all actions required to be taken by this Order shall be effected with the utmost discretion, and with the involvement of as few personnel as possible. Further, individuals acting pursuant to this policy, or having knowledge of actions taken pursuant to this policy, shall not discuss said actions with others, either within or without the department, except as may be required by this policy, or as may be dictated by necessity, and then such actions shall be discussed only

on a need-to know basis. All documentation generated pursuant to this policy shall be maintained in the utmost confidentiality.

K. DRUG AND BLOOD ALCOHOL TESTING PROCEDURES FOR EMPLOYEES INVOLVED IN VEHICLE ACCIDENTS.

1. Department members involved in a vehicle accident while operating a department vehicle where there is a fatality or critical injury, will be given both a drug screening test and a blood alcohol test.

2. Both command and supervisory personnel will be called to the scene.

3. The employee will be conveyed to a hospital for any required medical treatment and for a drug screening test and a blood alcohol test.

4. The supervisor at the scene of an accident involving a department member operating a department vehicle, where there is neither a fatality nor critical injury, will initiate the process for a drug screen test and a blood alcohol test, if there is reasonable suspicion to believe that the member is under the influence of drugs or alcohol.

L. PROCEDURES FOR DRUG AND BLOOD ALCOHOL TESTING IN THE DISCHARGE OF FIREARMS

1. When a firearm is discharged by a sworn officer, either accidentally or intentionally, except at a target at an approved firing range or without prior approval, and a supervisor at the scene of the incident has reason to believe that the employee is under the influence of drugs or alcohol, the employee will be conveyed to a hospital for both a drug screen test and a blood alcohol test.

M. DRUG TESTING PROCEDURES OF NEWLY PROMOTED OFFICERS

1. All newly promoted officers will be required to submit to a drug screen test. The Chief of Police will notify the officers when and where to appear for the drug screen test.

N. DRUG TESTING PROCEDURES FOR NEWLY HIRED OFFICER

1. All recruits prior to starting employment will submit to a drug screen test. The Chief of Police will notify the recruit when and where to appear for the drug screen test.

2. The Township reserves the right to refuse to extend an offer of employment to any candidate who fails a pre-employment drug test.

O. DRUG TESTING PROCEDURES FOR SPECIAL UNITS

1. Prior to and/or during assignments to special units, officers may be required to submit to a drug screen test in the manner prescribed by this policy.