

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "DRUG AND ALCOHOL POLICY"		ORDER NUMBER: 17-10
		PLEAC STANDARD: NONE		PAGE 1 OF 6
RE-ISSUE DATE: 9/9/2019	EFFECTIVE DATE: 6/25/2017	REVIEW MONTH: JANUARY	RESCINDS: ALL PREVIOUS	AMENDS: NONE

1.0 POLICY OR PURPOSE

- 1.1 The Pittsburgh Bureau of Police has legal responsibility and management obligation to ensure a safe work environment, as well as a paramount interest in protecting the public by ensuring that its members have the physical stamina and emotional stability to perform their assigned duties.
- 1.2 The use and/or abuse of drugs (including legal drugs such as alcohol) is destructive to the good order and reputation of the Bureau of Police and will not be tolerated. Members must have physical coordination and unimpaired judgement to react prudently and effectively to the demands of police service.
- 1.3 This order states Police Bureau Policy relative to the use and/or abuse of narcotics, illegal drugs, alcohol, non-prescription drugs and/or legally prescribed drugs by any member of the Pittsburgh Bureau of Police and sets forth conditions in which drug and/or alcohol tests will be required.

2.0 DEFINITIONS

- 2.1 The term DRUG includes alcohol, cannabis, narcotics or controlled substances as defined under the Pennsylvania Crime Code Controlled Substance, Drugs, Device and Cosmetics Act.
- 2.2 The term DRUG ABUSE includes the use of cannabis, narcotics, or any controlled substance that has not been legally prescribed and/ or dispensed, or the abuse of a legally prescribed or non- prescription drug.
- 2.3 The term ALCOHOL includes beverages and medication or other substances containing ethyl, methyl, isopropyl or other low molecular weight alcohol.
- 2.4 REASONABLE SUSPICION STANDARD – An apparent state of facts and /or circumstances found to exist by a supervisor which would cause a reasonably intelligent person to believe the member to be under the influence of a “drug” as that term is defined herein. The standard for reasonable suspicion is less than probable cause.
- 2.5 DRUG AND/OR ALCOHOL TESTING – the use of Intoxilyzer, Breath Alcohol Test (BAT), urinalysis, hair testing or any other clinically accepted method of detecting drugs and/or alcohol in the human body.
- 2.6 PBP VEHICLE – PBP vehicles shall be defined as any motorized vehicle such as a car, wagon, truck, motorcycle, boat etc. or any bicycle owned by the City of Pittsburgh Bureau of Police. Additionally, this may include any private vehicle authorized for official police duty, or any specialty vehicle, e. g. leased car, taxicab, other city vehicle, rented vehicle, vehicle belonging to another agency, or any vehicle used by the Bureau of Police for official police duty (this shall not include the use of a member’s personal vehicle).
- 2.7 FIREARM – This includes primary service firearms, secondary firearms, shotguns, rifles, and any less lethal firearm applications that require documentation as a level of force or an accidental discharge.

3.0 GENERAL RULES

- 3.1 The use of illegal drugs, synthetic drugs or non-prescribed controlled substances, and/or the abuse of legally prescribed drugs and/or controlled substances by a member of the Pittsburgh Bureau of Police is strictly prohibited. The use of medically prescribed marijuana by an officer or the possession of a medical marijuana certification card, other than the “Caregiver Card”, is prohibited as it shall be basis for denial of a municipal police officer’s MPOETC Act 120 Certification under 37 Pa Code § 203.11(a)(10) and revocation pursuant to 37 PA Code § 203.14 (3).
- 3.2 Generally, no member or employee shall consume or purchase alcoholic beverages while on duty.

- 3.2.1 Any on duty consumption or purchase of alcoholic beverages may only be approved during the course of an official Narcotics/Vice investigation. Consumption or purchase of alcoholic beverages may only be made in accordance with the expressed written permission of a Narcotics/Vice Civil Service ranked supervisor, and in accordance with Narcotics & Vice Protocols
- 3.3 Violation of this policy will result in disciplinary action.
- 3.4 Refusal of a member to take the required drug and/or alcohol testing shall be considered insubordination and will result in the immediate relief from his or her police duties pending disposition of any administrative action. Pursuant to Civil Service Rule III, the member will be ordered to take a Civil Service Medical Exam.
- 3.5 The Bureau, upon notification of the refusal of a member to take the medical examination, shall mark the member as "Y" or absent without permission.
- 4.0 MANDATORY DRUG TESTING**
- 4.1 For mandatory drug testing the City may use Intoxilyzer, Breath Alcohol Test (BAT), urinalysis, hair testing or any other clinically accepted method of detecting drugs and/or alcohol in the human body.
- 4.2 Mandatory drug and /or alcohol testing will be conducted only upon the approval of a Commander, Assistant Chief, Deputy Chief, Chief of Police or pursuant to Civil Service regulations under the following circumstances:
- 4.2.1 Based on reasonable suspicion citing specific circumstances when a member was incapable of performing his or her required duties or exhibited unusual work performance measures and/or behavioral traits.
- 4.2.2 At any time during a member's probationary period as defined by the working agreement between the City of Pittsburgh and the Fraternal Order of Police, Fort Pitt Lodge #1.
- 4.2.3 For counseling assistance programs or as a condition of the Track III Employee Assistance Program due to prior drug and/or alcohol abuse.
- 4.2.4 Prior to assignment to special units, i.e. Drug Suppression, Special Weapons and Tactics (SWAT), Explosive Ordinance Disposal (EOD) Unit, the Property Room, Narcotic K-9 handlers and Narcotic K-9 trainers.
- 4.2.5 Random testing twice a year for members assigned to Special Units as listed above.
- 4.2.6 When a member is scheduled for a physical examination to return to duty after an absence of 15 days or more which normally requires a physical examination and the member has a record of excessive absenteeism.
- 4.3 Under the circumstances covered in sections 17-10.4.2.2, 17-10.4.2.4, and 17-10.4.2.5 hereunder, the Commanding Officer will ensure that the drug and/or alcohol testing is scheduled and completed. The Commanding Officer will direct a "Special Report" (PBP Form #54.0) to the Chief of Police through the chain of command notifying the Chief that the drug and/or alcohol testing has been completed. The "Special Report" (PBP Form #54.0) will include the names of those tested and the date that the testing was completed.
- 4.4 The immediate supervisor of the involved member will ensure that mandatory drug/ and or alcohol testing is conducted under these circumstances:
- 4.4.1 It shall be the responsibility of the involved member to immediately notify communications and request his or her supervisor to the scene, via radio on the relevant channel of the within a reasonable period of time following a member's involvement in an on-duty vehicular accident which is reportable under the Motor Vehicle Code. If the member is out of radio range then a telephone notification to both communications, their supervisor is permissible, but must be documented and explained. This includes any vehicle as defined in Section 2.6 of this policy.
- 4.4.2 In situations where the vehicle accident is non-reportable at the time of occurrence but becomes reportable anytime after the tour of duty in which the accident occurred (e.g. the member or other individual operating a civilian motor vehicle experiences pain after the accident), the member's supervisor is required to have the member tested as soon as possible. This testing may include a hair sample.
- 4.4.3 Anytime a member discharges a firearm, as defined in section 17-10.2.7, with the exception of routine firearm training or the destruction of a wounded animal. It shall be the responsibility of the involved member to immediately notify his or her supervisor of the firearm discharge. This includes all firearm discharges documented as a level of force and accidental firearm discharges.

5.0 PROCEDURES FOR THE ORDERING OF DRUG AND/OR ALCOHOL TESTING IN CASES OF REASONABLE SUSPICION

- 5.1 A senior supervisor (Commander or above) will be notified by the initiating supervisor of the circumstances leading to the request for "Reasonable Suspicion" testing.
- 5.2 The supervisor requesting the testing will direct a PBP Form #249, "Reasonable Suspicion Observation Form" to the Commander or other ranking officer indicating the reasons that formed the basis for the testing. [REDACTED]
- 5.2.1 In the event time does not permit a written PBP Form #249 "Reasonable Suspicion Observation Form" to be submitted prior to testing, the supervisor will advise the Commander verbally and submit a written PBP Form #249, "Reasonable Suspicion Observation Form" by the end of that same tour of duty.
- 5.3 The PBP Form #249 "Reasonable Suspicion Observation Form" will be presented to the suspected member who will sign his or her name at the bottom of the report indicating that they have read it. The signature will be prefaced with this statement "By my signature below, I (*name*) acknowledge that I have read this memo. (*signature of member*) (*Date and time signed*)" The signature will in no way be considered an admission of guilt, only an acknowledgement of the fact that they have read the report. A copy of this report will be given to the suspected member.
- 5.4 A suspected member who refuses to submit to properly required drug and/or alcohol testing shall be deemed insubordinate. [REDACTED]
- 5.5 If the suspected member agrees to testing, the member shall complete and sign the consent form. If the suspected member is unable to read the consent form the supervisor shall read it to the member. A copy of the consent form will be given to the suspected member. The supervisor will retain a copy of the consent form. The supervisor will attach this copy of the consent form to the PBP Form #249 "Reasonable Suspicion Observation Form" required under Section 17-10.5.2.
- 5.6 A supervisor will transport the suspected member to the approved testing facility and will stand-by until the testing is completed. At the testing facility the supervisor will complete and sign the laboratory request form for the drug and /or alcohol testing indicating:
- 5.6.1 The name of the suspected member to be tested
- 5.6.2 The member's Social Security Number
- 5.6.3 The classification of the test (reasonable suspicion)
- 5.6.4 THE SUPERVISOR SHOULD ALWAYS REQUEST, AT A MINIMUM, A NON-DOT URINE DRUG SCREEN AND BREATH ALCOHOL TEST (BAT).**
- 5.7 Upon completion of the testing, a copy of all police reports, to include the PBP Form #249 "Reasonable Suspicion Observation Form" from the suspected member's supervisor confirming that the testing was completed, will be forwarded to the Chief of Police through the chain of command.

6.0 ALLEGATIONS OF MISCELLANEOUS DRUG-RELATED ACTIVITY (BOTH ON AND OFF DUTY)

- 6.1 Allegations of miscellaneous drug-related activity which would be considered reasonable suspicion requiring a drug test include, but are not limited to:
- 6.1.1 Illegal sale, delivery, manufacture, purchase, or possession of drugs and narcotics
- 6.1.2 Whenever the results of a preliminary criminal investigation indicate a reasonable suspicion to believe that the suspected member is involved in illegal drug-related activity
- 6.1.3 Upon completion of the initial stages of an administrative investigation which indicates a reasonable suspicion to believe that the suspected member is personally using illegal drugs or is personally misusing or abusing alcohol, legally prescribed and/or dispensed medications.
- 6.2 A reasonable suspicion exists when a person believes that an individual is under the influence of a drug that affects behavior, and direct observation, articulable reasons and common sense support this belief.

6.2.1 The following, in addition to other evidence of suspected drug use, may give rise to a reasonable suspicion to believe that a member's physical or mental abilities to perform assigned duties and responsibilities are affected by drugs:

6.2.1.1 Abnormal conduct or aberrant behavior as compared to member's usual conduct and/or behavior.

6.2.1.2 Observed difficulty with or unusual speech, mental concentration, physical movement, or the behavior characteristics symptomatic of controlled substance and/or alcohol abuse.

7.0 USE OF DRUGS

7.1 Members who take any prescription drug(s) are responsible for assuring that the prescribing physician or medical professional is aware of the safety sensitive nature of the officer's job related duties.

7.1.1 Prescription drugs, including both controlled and non-controlled drugs, are to be taken in accordance with the directions of the prescribing physician or medical professional.

7.2 Whether on or off duty, the use of synthetics or any illegal drug, abuse of any drug (whether or not legal and/or prescribed) is prohibited.

7.2.1 Abuse of a legally prescribed drug refers to the inappropriate use of a prescription drug by not following the directions of the prescribing medical professional regarding dosage, intermixing of drugs and alcohol, or misappropriation of a prescription.

7.2.2 Abuse of a non-prescription drug or compound (such as inhalants) refers to inappropriate use resulting in an adverse effect on a member's job performance or public behavior, which would reasonably be expected to destroy public respect of the member and/ or the Bureau.

7.2.3 Non-prescribed, over-the-counter medications shall be used only with due consideration for possible side effects on job performance.

7.3 Any member who is concerned about possible side effects of any prescription drug(s), or needs further explanation of the label instructions on over-the-counter medications, shall contact his or her doctor or pharmacist before any consumption thereof that could affect the member's on-duty performance and/or conduct.

7.3.1 Any member concerned about a medical condition, or treatment of that condition including prescription drug use, may contact the Department of Human Resources and Civil Service to discuss accommodations that may be possible or required. Members should refer to General Order #20-01, Section A-2 "*Reasonable Accommodation for Disabilities*", and should contact the Director of the Department of Human Resources and Civil Service at [REDACTED].

7.4 If a member on full duty assignment uses any legally prescribed drug(s) **and has reason to believe the drug usage results in a direct threat by impairing the ability to perform essential, safety-sensitive job functions** (such as use of weapons or operation of vehicles), the member must report the prescription drug usage to his or her supervisor prior to beginning their tour of duty or secondary employment.

7.4.1 The member's supervisor will promptly call [REDACTED] and request a prescription review. (These are the same numbers used to request a drug and alcohol test.) The member's supervisor will be asked to provide his or her name and a phone number to which the Mercy OccuNet medical professional can return the call.

7.4.2 The member's supervisor will provide the Mercy OccuNet medical professional with the member's name and the name of the prescription drug.

7.4.3 The member will be afforded the opportunity to talk on the telephone with the Mercy OccuNet medical professional, and should be provided as much privacy as possible.

7.4.4 The Mercy OccuNet medical professional will provide the member's supervisor with a verbal recommendation regarding the member's fitness for duty. The supervisor will follow the verbal recommendation of the Mercy OccuNet medical professional and consider it an order.

7.4.5 The supervisor will direct a **confidential** memo, through the chain of command, to the Chief of Police regarding the recommendation given by the Mercy OccuNet medical professional. This memo shall include:

7.4.5.1 The officer's name and badge number.

7.4.5.2 The medication name and dosage involved.

- 7.4.5.3 The prescribing physician.
 - 7.4.5.4 The name of the Mercy OccuNet medical professional.
 - 7.4.5.5 The recommendation of the Mercy OccuNet medical professional.
- 7.5 If the disclosing officer is on transitional duty and the reported medication was prescribed by the physician treating the officer's job-related injury, the supervisor should not contact Mercy Occunet. The officer can continue in transitional duty.
- 7.6 If the disclosing officer is on transitional duty and the reported medication was prescribed by a physician other than the physician treating the job-related injury, the supervisor must contact Mercy Occunet [REDACTED] and request a prescription review.
- 7.6.1 The supervisor will direct a **confidential** memo, through the chain of command, to the Chief of Police regarding the recommendation given by the Mercy OccuNet medical professional. This memo shall include:
 - 7.6.1.1 The officer's name and badge number.
 - 7.6.1.2 The medication name and dosage involved.
 - 7.6.1.3 The prescribing physician.
 - 7.6.1.4 The name of the Mercy OccuNet medical professional.
 - 7.6.1.5 The recommendation of the Mercy OccuNet medical professional.
- 7.7 If the recommendation of the Mercy Occunet medical professional is that an officer not perform his or her duties, the officer will be sent home. The officer must use authorized leave time until the prescribing physician resolves the matter with Mercy OccuNet and fitness for duty is assured.

8.0 GENERAL PROCEDURES FOR THE ADMINISTRATION OF DRUG AND/ OR ALCOHOL TESTING

- 8.1 Upon notice of a scheduled random testing the member's supervisor will accompany the member to Mercy OccuNet at [REDACTED].
- 8.1.1 Upon the necessity of post-accident or post-firearm discharge testing, the member's supervisor will call Mercy OccuNet at [REDACTED] to initiate the testing process. The member's supervisor will then accompany the member to Mercy OccuNet at [REDACTED].
 - 8.1.2 If there is no response from the testing representative after 15 minutes, the supervisor should call the on call Mercy OccuNet Employee Health Nurse at [REDACTED].
 - 8.1.3 The Mercy OccuNet authorized testing representative will meet the supervisor and the member within 2 hours of the initial call.
 - 8.1.4 The supervisor will provide the testing representative with the following:
 - 8.1.4.1 Photo ID of member
 - 8.1.4.2 The member's Social Security Number
 - 8.1.4.3 The classification of test (i.e., random, post-accident, post-firearm discharge)
 - 8.1.4.4 THE SUPERVISOR MUST ALWAYS REQUEST, AT A MINIMUM, A NON-DOT URINE DRUG SCREEN AND BREATH ALCOHOL TEST (BAT).**
- 8.2 A member refusing to submit to properly required testing will be deemed insubordinate. [REDACTED]
- 8.3 If a member agrees to submit to the testing, the member shall complete and sign all of the necessary forms.
- 8.4 The member's supervisor will complete and sign all necessary forms and stand-by at the testing site until the testing has been completed.
- 8.5 Upon completion of testing a copy of all police reports, to include a "Special Report" (PBP Form #54.0) from the member's supervisor confirming that the testing was completed, will be forwarded to the Chief of Police through the chain of command.

- 8.6 Under no circumstances will the supervisor give instructions to the collection technician regarding the administration of the testing.
- 8.7 Supervisors must deliver the member scheduled for random testing promptly. If a supervisor and member are unable to make the appointment as scheduled, the test provider must be contacted and advised of the circumstances.
- 9.0 **PROCEDURE FOR THE ADMINISTRATION OF A DRUG TEST IN CASES WHEN THE MEMBER NEEDS MEDICAL ATTENTION AND/ OR IS ADMITTED TO HOSPITAL**
- 9.1 If the member subject to testing is transported to a hospital for medical treatment and is admitted to the hospital or otherwise unable to be transported to Mercy Occunet due to his or her medical condition, the supervisor will call Mercy OccuNet [REDACTED]
- 9.2 If the member subject to testing is transported to a hospital for medical treatment and is not admitted to the hospital, the member's supervisor shall accompany the officer to Mercy OccuNet for the drug/alcohol test after the officer's treatment is completed. The member's supervisor shall follow the procedures set forth in Section 8.0 of this order.

Approved By:



Scott Schubert
Chief of Police