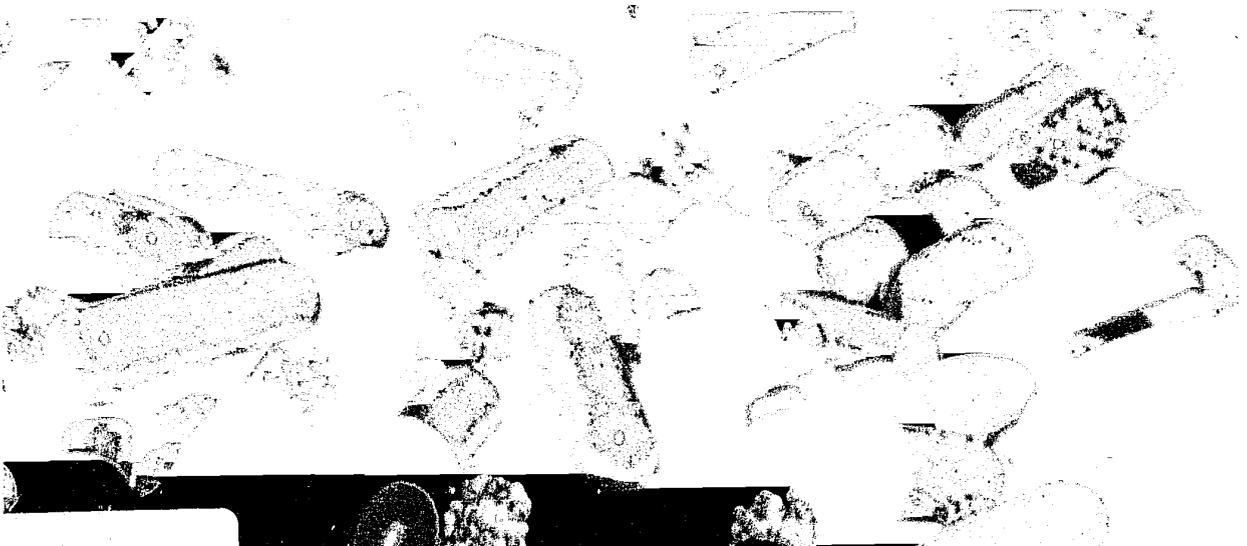


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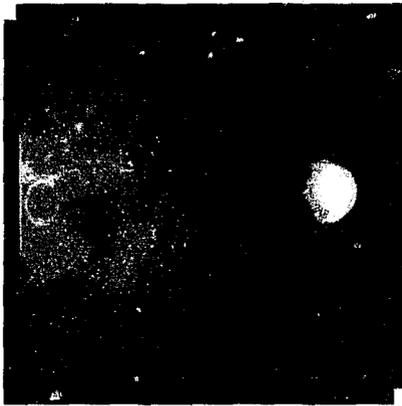
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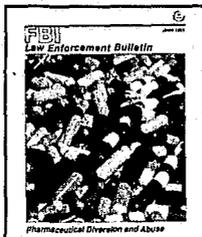
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United States Department of Justice  
Federal Bureau of Investigation  
Washington, DC 20535

William S. Sessions, Director

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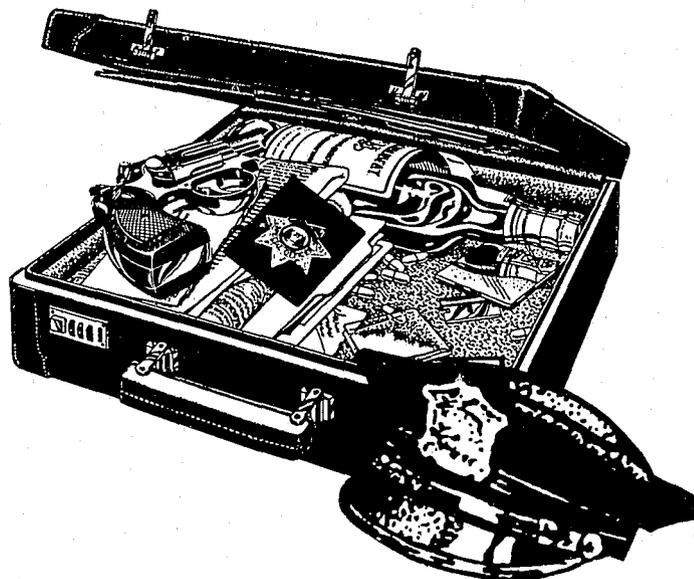
The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget.

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The *FBI Law Enforcement Bulletin* (ISSN-0014-5688) is published monthly by the Federal Bureau of Investigation, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535. Second-Class postage paid at Washington, D.C., and additional mailing offices. Postmaster: Send address changes to *FBI Law Enforcement Bulletin*, Federal Bureau of Investigation, Washington, D.C. 20535

# ***Drug Abuse and Testing in Law Enforcement No Easy Answers***

By  
ANDREW J. HARVEY



**T**oday, the widespread use and abuse of drugs in our society has reached epidemic proportions. No one appears to be exempt, not athletes, top-level executives, celebrities, assembly workers, or police officers. The National Institute on Drug Abuse indicates that 19 percent of Americans over age 12 have used illicit drugs during the last year, that 65 percent of 18-25 year olds have used illicit drugs (44 percent in the last year), and that alcohol and drug abuse cost nearly \$100 billion in lost production in 1989.<sup>1</sup> This article discusses drug abuse

in law enforcement and the use of drug testing to combat drug use.

## **Coping With The Drug Problem**

Unfortunately, law enforcement is not exempt from the problems of drug abuse. For the most part, law enforcement has had the responsibility to educate the public about drugs and to prevent drug abuse. In addition, high entrance standards, thorough background checks, a professional code of ethics, and the nature of the job all appear to be factors that have helped law enforcement minimize its own drug abuse problem.

But, now law enforcement must examine itself for encroaching drug abuse.

In order to take the first step toward an eventual resolution of drug abuse in law enforcement, the problem must be assessed and evaluated. Current and future police leaders will be challenged by this problem, and their success will be based partially upon their abilities to handle the situation in ways that enhance public confidence in their departments. All it takes is one incident for a department to lose its credibility with the public.

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propane gas tank in the trunk of the car and make all the necessary connections.

The initial cost to convert a car, using new equipment, is approximately \$1,000, plus the cost of the mechanic's labor. However, since some of the parts, such as the liquid propane gas tanks (which cost approximately \$415) can be transferred to other cars, the cost of converting any replacement cars is less.

### Refueling

Department officials solicit bids each year from the distributors of propane gas, and the lowest bid is accepted. However, any distributor considered must also agree to be on 24-hour call and must agree to provide supply trucks to respond to department cars that run out of fuel while on patrol during major catastrophes, such as hurricanes or tornadoes.

The first vendor to supply the department with propane gas gave a 20-minute lesson on how to refuel safely, with an emphasis on how to bleed the valves on the car tanks. Now, experienced officers teach this simple technique and safety procedures to new officers.

Officers refuel their vehicles at large propane gas storage tanks that are located at three refueling sites around the county. Should officers accidentally drive off with the storage tank hose still connected to their tank, there are automatic shut-off valves on both the storage tanks and the tanks of the cars to prevent the escape of gas.

Refueling department cars that are used on road trips may

present more of a problem because liquid propane gas is not available at all service stations. However, recently, officers drove a department vehicle on a 2,000-mile road trip, and they experienced no difficulty in finding fuel. Many service stations and campgrounds sell liquid propane gas. There is also a directory available from the National Liquid Propane Gas Association that lists, by State, many sources of liquid propane gas.

### Results

During the past 11 years, over 200 vehicles used by the department have operated on liquid propane gas, including unmarked units used by the civil, warrants, and administrative sections. Overall maintenance costs are considerably less than they would be if gasoline were used in the units. The department saves approximately \$1,000 per year on the fuel costs of each vehicle, and the longevity of the engine has been increased.

Some departments replace patrol cars at 80,000 miles or less, but by using liquid propane gas, which does not leave carbon deposits in the engine, most vehicles will not need to be replaced until they register ap-

proximately 160,000 miles. In a department such as the Sarasota County Sheriff's Department, which has a one person, one patrol car concept, converting to an alternate fuel has resulted in a great savings.

### Conclusion

In this time of shrinking budgets and increasing costs, every department should look for cost-saving programs. For departments that have large fleets of department vehicles, using an alternate fuel, such as liquid propane gas, may be a viable way to save money. When this reduction in costs is combined with the increased engine longevity found in vehicles using liquid propane gas, the substantial savings realized may allow departments to pursue other important programs they have previously been unable to afford.

For further information or assistance on using liquid propane gas as an alternate fuel, contact the Sarasota County Sheriff's Department Office of Fleet Management, P.O. Box 4115, Sarasota, Florida 34230, (813) 951-5597.

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*The information for this column was submitted by Lt. Bill Stookey, Sarasota County, Florida, Sheriff's Department.*

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*Police Practices* serves as an information source for unique or noteworthy methods, techniques, or operations of law enforcement agencies. Submissions should be no more than 750 words (3 pages, double spaced and typed) and should be directed to Kathy Sulewski, Managing Editor, *FBI Law Enforcement Bulletin*, Room 7262, 10th & Pennsylvania Ave., NW, Washington, DC 20535.

In an effort to help police departments cope with the problem of drug abuse and the issue of drug testing, the National Institute of Justice has launched an effort to learn how various departments deal with drug abuse and what steps should be considered. As part of this research, the institute surveyed 33 major police departments in 1986.<sup>2</sup> The survey revealed the following:

- Seventy-three percent of police departments conducted drug screening tests of all applicants;
- Virtually all departments had written policies and procedures for conducting tests under reasonable suspicion that officers were using illegal drugs;
- Twenty-one percent of the departments were seriously considering mandatory testing of all officers; and,
- Twenty-four percent of the departments indicated that treatment, rather than dismissal, would be appropriate for officers, depending on the type of drug abuse and frequency of use.

This survey indicates that many police administrators are moving positively to ensure that drug abuse does not invade and destroy their agencies. However, there is still uncertainty as to what departmental policy on drug testing should be and what the best procedures would be for carrying out the policy. In the

meantime, while some departments are debating the drug testing issue, some have implemented less drastic, interim measures to help with the problem.

#### Interim Measures

Some departments are training their supervisors and managers to detect substance abuse in their officers. This is especially important because, unlike drug users on the street who may exhibit obvious signs of drug abuse, police officers who use drugs generally do not come to work visibly under the influence. Therefore, detection must be the result of a more subtle analysis by the police supervisor. A drop in performance, increased use of sick time, and excessive tardiness could all point to a substance abuse problem. However, many indicators of this nature are not so definitive; therefore, establishing a drug testing program makes sense.

#### Why Implement Drug Testing

Society considers it especially important for police officers to be drug-free. In general, the public does not view starting drug testing procedures as an admission of a drug problem by a police agency, but rather as a means of ensuring drug-free law enforcement officers.

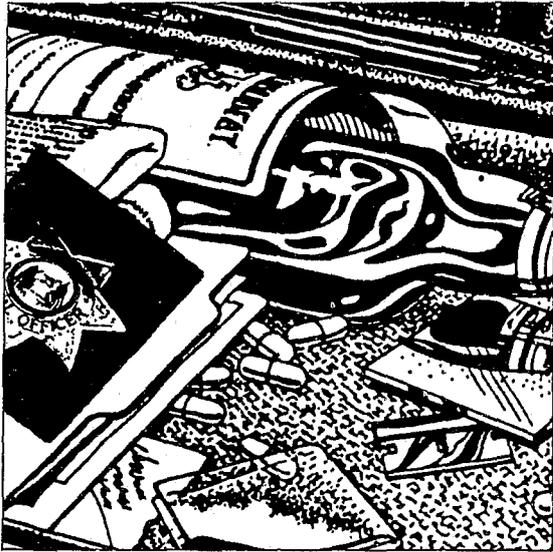
In fact, according to a recent *Newsweek* poll,<sup>3</sup> 85 percent of those polled believed that testing police officers for drug use was a good idea. It is most important to note that police officers ranked first in this poll as the occupational group the public thought was the most important to test. Air traffic controllers ranked a close second. The poll does not suggest that the public suspects widespread drug use in police work, but rather that citizens recognize the immense responsibility for life and safety with which law enforcement officers are entrusted.

“ **Developing and implementing a sound, effective drug abuse program...is not an easy task, but it is one that the department must face.**

”



Sergeant Harvey is a member of the Alhambra, California, Police Department.



**"Unfortunately, law enforcement is not exempt from the problems of drug abuse."**

A substantial amount of literature documents the negative effects of drugs on job performance, particularly on judgment, interpersonal skills, manual dexterity, and overall mental alertness. The tragic train accident in January 1987, is a graphic illustration of what can happen when people responsible for the safety of others use drugs. In this accident, a Conrail freight train ran a stop signal and slid into the path of an Amtrak passenger train, killing 16 people and injuring 175. Both crewmen of the Conrail freight train were found to have marijuana in their systems at the time of the accident.<sup>4</sup>

Because the community's safety is at stake, police administrators have both legal and moral obligations to identify officers whose job performance has slipped because of drugs. In addition, both the administrator and the agency may possibly be held liable if actions are not taken against employees whose inability to carry out their responsibilities are known

or should have been known to the department.

#### **To Test or Not To Test**

No chief can realistically attempt to implement any type of policy or program without fully examining all the pertinent issues, such as legal aspects, privacy rights, property interests, community standards, employee tolerances, and implementation considerations. Only after considering all the issues can a police executive begin to formulate policy and the procedures to implement the policy.

The National Institute on Drug Abuse recommends that decisions to initiate a drug screening program for employees should be based on three factors:<sup>5</sup>

- 1) The awareness of or concern about impaired performance at the worksite;
- 2) The impact of drug abuse upon the health, safety, security, and productivity of employees; and,

- 3) Supportive or alternative means to detect drug use in the workplace.

These factors are definitely worthy of consideration, but they are intended for workers in general, and not specifically for police officers whose duty it is to safeguard the public.

#### **Possible Solutions**

No catch-all solution exists. However, the following recommendations may help law enforcement managers deal with the problem of drug abuse among law enforcement officers.

First, the department should develop a comprehensive drug abuse program. This is vital to the success of dealing with drug abuse because problems of this nature cannot be solved simply through periodic urinalysis, even though it does have its place in helping to answer some questions. Only through the combined effects of education, training, compassion, employee counseling and assistance, and fair policies and procedures can law enforcement begin to tackle the problem.

Department administrators should then perform a self-assessment to decide where the agency is now, and where it wants to be with regard to its drug abuse program. Policies and procedures are useless without goals and objectives. Therefore, agency administrators must decide what direction they will take. The need for a drug abuse program should be evaluated as objectively as possible in terms of what is desired and what resources will be required.

The next step would be to design a program with the cooperative efforts of management, labor, legal advisers, and medical personnel. No one person can see all the various angles. The chief must ultimately do what is best, even though everyone may not agree with the decision. However, at least the chief should solicit and consider carefully input of people from relevant areas of concern.

Once an occupational drug abuse program is implemented, departmental employees should be made aware of the drug abuse program and what it entails. This educational campaign should include the program's purpose, background information, and all benefits and services of the program. In addition, the program's requirements should be explained so that all employees understand how the program will affect them. In this regard, first-line supervisors should be given particular attention because they will be responsible for explaining and administering the policies and procedures to the majority of the employees.

Agency administrators must decide what modes of testing are appropriate for their agencies. This can be done by identifying those situations where urinalysis drug testing will be required. Obviously, this decision must fall within legal guidelines.

Above all, drug testing should be performed in a professional manner. An individual's privacy and dignity should always be respected. Confidentiality is also important to the credibility of the program and should not be compromised either

with regard to employee assistance with a drug abuse problem or to the testing process. Tight chain-of-custody procedures should be established so that no one is wrongfully suspected of abusing drugs. Reliable testing is crucial, and although initial screening tests are acceptable for eliminating samples that test negative, no test should ever be considered positive without another test to confirm the results. Departments should choose laboratories very carefully and should monitor them for effectiveness and efficiency on a periodic, yet random, basis.

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**...whatever problem exists is only going to worsen unless positive steps are taken to control the problem.**  
”

As part of a comprehensive policy on drug abuse, the department must decide what to do when an employee tests positively for drugs. This involves initiating appropriate procedures for dealing with employees who test positively. Again, there are no right or wrong answers in this area, and prescribed procedure may be influenced by a department's collective bargaining standards.

As a final step, a department must develop appropriate channels and procedures for employees to explain and contest the results of a positive drug test. It is important legally and morally to give employ-

ees a chance to state their case and to explain a positive drug test. The department should also detail procedures for employees to contest any action that may deprive them of property or liberty.

## Conclusion

Developing and implementing a sound, effective drug abuse program for use in a law enforcement agency is not an easy task, but it is one that the department must face. American society is inundated with drugs and drug abuse. And unfortunately, law enforcement professionals must face the reality that drug abuse is not confined solely to those abusers on the street. It pervades all occupations, even law enforcement, although to what extent is unknown and still remains to be seen. It would appear reasonable, though, that whatever problem exists is only going to worsen unless positive steps are taken to control the problem.

Drug abuse and drug testing are dynamic, controversial topics. Hopefully, however, the top managers in law enforcement today will set the example and pave the way for the rest of society, while striving to reduce the epidemic drug problem in this Nation.

**LEB**

## Footnotes

<sup>1</sup> National Institute on Drug Abuse, *Drug Abuse in the Workplace*, 1986, p. 1.

<sup>2</sup> James Stewart, "Police and Drug Testing: A Look at Some Issues," *Police Chief*, October 1986, p. 27.

<sup>3</sup> "Pilots Treated For Drug Abuse," *Star News*, Pasadena, California, November 30, 1986.

<sup>4</sup> "Train Crew Tests Positive For Drug Use," *Star News*, Pasadena, California, January 15, 1987.

<sup>5</sup> *Supra* note 1, p. 5.