



# BETHLEHEM POLICE DEPARTMENT

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| <b>Prescription Drugs</b>  | <b>Related Policies:</b> |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> |                          |
| <b>Applicable New Hampshire Statutes:</b>  |                          |
| <b>CALEA Standard:</b>   |                          |
| <b>Date Implemented:</b>   | <b>Review Date:</b>      |

- I. **Purpose:** Law Enforcement is expected to be delivered by employees who are physically and mentally prepared for whatever might be required to satisfactorily perform assigned police duties. It is essential that all police employees who will or might be called upon to act in an enforcement capacity, control prisoners, or transport persons in an agency vehicle be in a position to act in a professional and competent manner. It is well known that law enforcement employees may be taking prescription drugs which have been legitimately prescribed to them for medical/psychological needs. This policy is designed to ensure that the employee, the community, and other officers are not impacted by the effects of such medication.
- II. **Procedure:** Agency employees are divided into two categories for purposes of this policy:
  - A. **Enforcement Employees:** those employees who are either in a direct enforcement capacity or who may be called upon to act in an enforcement capacity, are assigned to control prisoners, and employees who may be called upon to transport persons in agency vehicles. This includes all sworn personnel unless the employee is on restricted duty and prohibited from carrying firearms. Non-sworn employees who fit in this category include employees who engage in some form of enforcement duty, detention duties, dispatchers, drive agency vehicles or transport persons being detained.
  - B. **Non-Enforcement Employees:** The function of non-enforcement employees does not normally place them in a position where the use of prescription drugs will compromise their own safety, the safety of fellow employees, or the safety of citizens. These employees are not subject to this policy and are not required to notify the agency when they are taking prescribed medications.
  - C. **All Employees designated as Enforcement Employees are subject to the provisions of this policy.**
  - D. **Enforcement Employees** who have been prescribed drugs that indicate that the drug may cause drowsiness or in some other way hamper the ability of the employee to function in their work capacity shall report this fact to the agency. This report shall include:
    - 1. Identifies the specific drug, and



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2. Expressly concludes whether the drug will or will not impair the employee's ability to perform normal and specifically assigned law enforcement tasks.
  3. The employee shall provide this notice from the professional resource who prescribed the medication and which includes a copy of the prescription drug label to the agency supervisor designated by the sheriff or the chief.
- E. Agency Response:** The designated agency person shall contact a medical/pharmacological professional designated by this agency to determine whether the employee's assignment must be modified while taking the prescription.
1. Employees who are prescribed medication which require an alteration of assignment will be advised that they are not authorized to perform enforcement function or off-duty details. These employees shall be immediately reassigned to a restricted assignment which will not place them in a position to encounter enforcement duties as defined by this policy. During the period in which they are required to take the prescribed medication, their authorization to carry a department issued firearm and operate agency vehicles will be suspended.
  2. The documentation of the medication use will be filed in a secure file specifically for "employees taking medication," until such time that the medication is no longer being used by the employee and the civil liability statute of limitations has passed. Following that period, all documentation of medication use by the employee shall be destroyed. The designated agency employee shall perform an annual audit of this file to ensure that it is current and that the required purging has been completed.