

DEPARTMENT OF THE NAVY  
NAVAL AIR STATION WHIDBEY ISLAND  
OAK HARBOR, WASHINGTON 98278-5000

NASWHIDBEYINST 5350.5C  
N01D  
11 Jun 2001

NASWHIDBEY INSTRUCTION 5350.5C

Subj: DRUG AND ALCOHOL ABUSE PROGRAM

Ref: (a) SECNAVINST 5300.29B  
(b) OPNAVINST 5350.4C  
(c) MILPERSMAN 1910-146  
(d) MILPERSMAN 1910-152  
(e) Diagnostic and Statistical Manual of Mental Disorders (DSM IV)

(R)

Encl: (1) Disciplinary and Administrative Action for Military Drug and Alcohol Abusers  
(2) General Information on the Ramifications of Drug and Alcohol Abuse

1. Purpose. To ensure uniformity, consistency, and fairness in dealing with offenses involving use or possession of illegal drugs, and in dealing with alcohol related offenses. This instruction will be used as a briefing and educational tool for all and as a guide for use in dealing with the illegal use of drugs and alcohol.

2. Cancellation. NASWHIDBEYINST 5350.5B

3. Background. References (a) through (e) are the definitive source documents for this instruction, and the policies and objectives contained therein are the same policies and objectives this instruction is designed to implement.

4. Policy. Naval Air Station (NAS) Whidbey Island, will strictly adhere to the Chief of Naval Operations (CNO) policy of "zero tolerance" of illegal drug and alcohol abuse. Per references (a) through (e), specific administrative and disciplinary actions to be used in the cases of drug and alcohol abusers will be considered mandatory and directly applicable to all NAS Whidbey Island personnel. Also, the Commanding Officer, NAS Whidbey Island, may exercise the right to revoke the privilege to operate a private motor vehicle on board the naval air station of any military personnel or civilian employee identified by the Drug and Alcohol Program Adviser (DAPA), or Civilian Employee Assistance Program (CEAP) Administrator, as a drug or alcohol abuser.

5. Definitions

a. Alcohol Abuse. The use of alcohol to an extent that it has an adverse effect on the user's health or behavior, family, community, or the Navy, or leads to unacceptable behavior as evidenced by one or more alcohol related incident(s).

b. Alcohol Related Incident. Any incident in which alcohol is a factor. Driving While Intoxicated (DWI)/Driving Under the Influence (DUI) and drunk in public are clearly alcohol related incidents. Other incidents, particularly those requiring medical care or involving a suspicious public or domestic disturbance, must be carefully evaluated by the DAPA and Alcohol Treatment Program (ATP) counselor to determine if alcohol is an underlying factor.

c. Drug Abuse. Any illicit use or possession of illegal drugs.

d. Drug Related Incident. Any incident in which drugs are a factor. Voluntary self-referral, confirmed use or possession of drugs or drug paraphernalia, or drug trafficking constitute an incident. Other types of incidents, such as when medical care was required, suspicious public or domestic disturbances have taken place, or death has occurred, must be carefully evaluated to determine if drugs were an underlying factor. Proper use of authorized and documented prescription drugs is not reported as an incident.

6. Education. All hands must be educated in the following concepts: illegal drug use and excessive consumption of alcoholic beverages constitute an unacceptable burden to the Navy in terms of human loss and lost productivity. The abuse of alcohol and the illicit or improper use of drugs can seriously damage physical and mental health, may jeopardize individual safety and the safety of others, may lead to criminal prosecution, and for military members, discharge from the naval service. Alcohol and drug abusers at NAS Whidbey Island shall be dealt with as required by references (a) through (e).

7. Action. Enclosures (1) and (2) are used to provide continuing education about the consequences of drug and alcohol abuse. The NAS DAPA shall brief all hands, at least annually, on the contents of this instruction.

/s/  
L. G. SALTER

Distribution:  
NASWHIDBEYINST 5215.2FF  
Lists A(less 1,2), B, C, and F1

DISCIPLINARY AND ADMINISTRATIVE ACTION  
FOR MILITARY DRUG AND ALCOHOL ABUSERS

1. Because drug abuse is clearly illegal, and alcohol abuse incidents may be illegal, drug abusers and alcohol offenders can expect disciplinary action as a result of being involved in a drug or alcohol related incident. Upon learning of any drug offense and some alcohol related offenses, all Navy personnel are obligated to initiate a report of offense immediately against the abuser and file this report with the Staff Judge Advocate (SJA), NAS N01J. In some cases, such as DWI off the naval reservation, the Security Department may be the first to learn of the offense. In these cases, the Security Officer will notify the SJA, DAPA, and department head.

2. Additionally, and separately, the following administrative actions shall normally be taken for those involved in a drug or alcohol related incident:

a. Immediately upon learning of the incident, the department head (or his/her designated representative) shall initiate the following actions:

(1) Refer the individual to the NAS DAPA. Per reference (b), the DAPA shall:

(a) Screen the individual's service and medical records to develop a history of the individual.

(b) Arrange screenings by the ATP and by a clinical psychologist or medical officer, if required. NOTE: ATP and medical screenings will contain the extent of substance abuse, dependency, recommendations for treatment, and potential for continued naval service.

(c) Obtain departmental inputs on work performance and recommendations on the member's potential for continued naval service and treatment.

(d) Provide the Commanding Officer with recommendations from ATP, medical and the department for final disposition and/or treatment of the service member.

(e) Prepare all required documents per reference (b).

(2) Depending on the circumstances involved, revoke access to classified material, if appropriate.

(a) Security Manager (NAS N1) must be notified if access is revoked.

(b) Access to classified material may be reinstated if the individual is cleared of charges at Non-Judicial Punishment (NJP), court-martial, or civilian court, or (if found guilty) upon completion of medical and ATP screenings, or Personal Responsibility and Values Education and Training (PREVENT), and surveillance drug screening program (for drug offenses), as a minimum. Reinstatement action is the responsibility of a designated clearance authority with notification to the Security Manager.

(3) Depending on the circumstances, revoke Plane Captain (PC), Collateral Duty Inspector (CDI), and supervisor position, as appropriate. Position may be reinstated if the individual is cleared of charges at NJP, court-martial, or screening, and satisfactorily completes any assigned education or treatment program.

b. Following a full investigation, confirmation of a urinalysis test by a drug screening laboratory or a conviction at NJP, court-martial, or civilian court, the following administrative action may be taken:

(1) Processing for administrative separation, per references (b) and (c), may be initiated by the SJA at the Commanding Officer's discretion. Administrative separation for drug abuse will normally be under other than honorable conditions and may be other than honorable conditions for alcohol abuse. Per references (b) and (c), processing for separation will be mandatory for drug abuse.

(2) Single Basic Allowance for Housing (BAH) and Separate Rations (RATSSEP) are a privilege granted to outstanding performers. Drug abuse and/or alcohol abuse are inconsistent with the level of performance expected from those granted this privilege; therefore single BAH and RATSSEP shall normally be revoked for 1 year for abusers. Action will be initiated by the DAPA to the Administrative Officer. Exceptions to this rule may be granted at the discretion of the Commanding Officer on a case by case basis. Exceptions may be granted if the individual can prove that the abuse was an isolated incident, the member will continue to be an outstanding performer, and the loss of BAH and RATSSEP would impose an extraordinarily heavy burden on the member. If the privilege of drawing single BAH/RATSSEP is revoked, it may be restored after 1 year, if the individual has successfully completed medical and ATP screening, PREVENT, and surveillance drug screening programs. Action to restore single

BAH/RATSSEP would be initiated by the individual through the chain of command.

(3) Base driving privileges (privilege of an individual to operate a private vehicle on the naval reservation, to include Ault Field, base housing and the Seaplane Base) may be revoked for 1 year. The Security Officer shall initiate revocation action. The privilege of driving aboard the reservation may be restored after one year, if the individual concerned successfully completes medical and ATP screening, PREVENT, and surveillance drug screening programs. Action to restore driving privileges will be initiated by the individual through the chain of command. Revocation of base driving privileges also revokes the right to drive Navy vehicles in connection with military duties. This privilege may be reinstated upon written request from the department head to the Security Officer that the individual be allowed to drive Navy vehicles as a part of the individual's duties. The individual must carry the letter of approval at all times when operating a Navy vehicle.

(4) Privileges of using the clubs on base may be revoked for up to 1 year. If the incident giving rise to the grounds for the revocation occurred in a club, the club will initiate action to the Executive Officer, with a copy to the DAPA. In all other cases, action will be initiated by the DAPA to the Executive Officer. The revocation will be for a set time, upon which club privileges will automatically be restored.

(5) Privilege of being "frocked" shall be revoked. Action shall be initiated by the department head concerned to the Administrative Officer. Depending on the circumstances of the particular case, the individual may or may not be promoted officially when the time comes.

(6) A special performance evaluation report or special fitness report is required for all personnel involved in any confirmed case of drug use or possession per reference (b). In all other cases of confirmed alcohol or drug abuse, the abuse will be specifically noted in the next annual evaluation or fitness report, and marks will be adjusted accordingly.

(7) All military personnel charged with a DWI/DUI shall report to the Command DAPA for screening no later than 30 days after receiving the DWI/DUI citation. (R

(8) All personnel convicted of a DWI are required to report the offense to the Commanding Officer, via their chain of command, within 10 days after conviction. (R

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(9) Anyone appearing in court charged with DWI/DUI will required to take leave, vice being granted special liberty, in order to appear.

GENERAL INFORMATION ON THE RAMIFICATIONS  
OF DRUG AND ALCOHOL ABUSE

1. Member will be interviewed by the Command DAPA to compile a substance abuse history and to make appointments with ATP and medical.
2. Member will be screened by ATP for dependency, amenability, and potential.
3. Member will be screened by medical to determine if the individual meets the diagnostic criteria for alcohol dependence or abuse as set forth in reference (e).
4. After medical screening evaluation, member will be recommended for an alcohol treatment program (IMPACT, Outpatient, Intensive Outpatient or Residential). Administrative requirements consist of the following:
  - a. Page 13 warning against the abuse of alcohol.
  - b. Annual or Special Evaluation/Fitness report entry. (A)
  - c. Revocation of base club privileges for 1 year.
  - d. A Drug and Alcohol Abuse Report (DAAR), which will be sent to Naval Military Personnel Command (Pers 6-D) and field service record.
  - e. A program entry letter from the Commanding Officer, describing the requirements to complete the assigned rehabilitation treatment program.

DWI (Arrest)

1. Member will be screened by DAPA, ATP, and medical as stated in enclosure (1), paragraph 2a.
2. Preliminary suspension of driving privileges (mandatory).
3. DAPA shall initiate DAAR and program entry letter (see paragraphs 4c and 4d above).

DWI (Conviction)

1. Revocation of single BAH and RATSSEP for 1 year.
2. Revocation of base driving privileges for 1 year, starting from the original preliminary suspension date.

3. Revocation of base club privileges for 1 year.
- R) 4. Receive a page 13 and evaluation/fitrep entries for conviction of the DWI.
- R) 5. Report to DAPA for the screening process within 30 days of conviction.
- R) 6. Member will report to the Commanding Officer, via his/her chain of command, within 10 days after conviction.
7. Member will be removed from a supervisory position for a set period of time, if deemed appropriate by the department head.

#### Drug Abuse

1. After confirmation of a positive urinalysis by a drug screening laboratory, the following will occur:

a. Member will be interviewed by the DAPA to compile a substance abuse history and to make necessary appointments with ATP and medical.

b. Member will be screened by ATP and medical for dependency.

c. Base driving privileges revoked for 1 year.

d. Single BAH and RATSSEP revoked if member is restricted.

e. Base club privileges revoked for 1 year.

f. Security clearance removed, and the member may be restricted from security sensitive areas and also from any tasking that may require a high degree of reliability.

2. After NJP or the final outcome has been determined by the command, the following will occur:

a. DAPA will prepare a DAAR and send it to NMPC (Pers 6-D), and field service record.

R) b. Member will be offered treatment prior to discharge if diagnosed as dependent.

c. Member shall be processed for administrative separation.

DWI State Sanctions

1. First Conviction - (BAC below .15% or no test result)
  - a. Fines and assessments can vary from \$685-\$8125. (R)
  - b. Jail time can range from 1 to 365 days, 5 years probation. (R)
  - c. Driver's license suspended for 90 days. Occupational license may be applied for at the court.
  - d. High risk automobile insurance, averaging \$1,500 a year.
  - e. There may be other requirements at the judge's discretion. (A)
2. First Conviction - (BAC above .15% or test refusal)
  - a. Fines and assessments can vary from \$925-\$8125. (R)
  - b. Jail time can range from 2 to 365 days, 5 years probation. (R)
  - c. License suspended for 1 year.
  - d. There may be other requirements at the judge's discretion. (A)
3. Second Conviction - (BAC less than .15% or no test result) (R)
  - a. Fines and assessment can vary from \$925-\$8125. (R)
  - b. Jail time can range from 30 to 365 days, 5 years probation. (R)
  - c. Driver's license revoked for 2 years. No occupational license may be given.
  - d. Automobile insurance not available in the local area.
  - e. There may be other requirements at the judge's discretion. (A)
4. Second Conviction - (BAC .15% or higher or test refusal) (R)
  - a. Fines and assessment can vary from \$1325-\$8125. (R)

- R)       b. Jail time can range from 45 to 365 days, 5 years probation.
- c. Driver's license suspended for 900 days. No occupational license may be given.
- d. Automobile insurance not available in the local area.
- A)       e. There may be other requirements at the judge's discretion.
- R) 5. Third Conviction - (BAC less than .15% or no test result)
- R)       a. Fines and assessment can vary from \$1725-\$8125.
- b. Jail time can range from 90 to 365 days.
- c. Driver's license revoked for 3 years. No occupational license may be given.
- d. Automobile insurance not available in the local area.
- A)       e. There may be other requirements at the judge's discretion.
- R) 6. Third Conviction - (BAC above .15% or test refusal)
- R)       a. Fines and assessments can vary from \$2525-\$8125.
- b. Jail time can range from 120 to 365 days.
- c. Driver's license revoked for 4 years. No occupational license may be given.
- d. Automobile insurance not available in the local area.
- A)       e. There may be other requirements at the judge's discretion.
- R) 7. Conviction while driving on a suspended or revoked license
- a. Fines and jail time the same as for a second conviction.
- b. Driver's license revoked for 2 years. No occupational license may be given.
- A)       c. There may be other requirements at the judge's discretion.

8. Drivers under age 21 in addition to the penalties listed above

a. First offense with BAC .02 or higher is a 90 day license suspension.

b. Second offense with BAC .02 or higher is loss of license until you turn age 21 or for a minimum of 1 year.

c. Refusal to take a breath test: First offense; 1 year loss of license. Second offense; 2 year loss of license.

9. Direct Expenses

a. Towing charges: \$50 and up. (R)

b. State license reinstatement: \$150. (R)

c. State alcohol/drug evaluation/treatment fees: \$1200 to \$10,000 on average. NOTE: Only certain Navy rehabilitation treatment programs satisfy state requirements. (R)

d. Attorney fee: \$500-\$1500 minimum. A jury or appeal to higher court may boost costs even more. (R)

e. Vehicle storage fees: \$14 a day while vehicle is impounded.

f. Electronic home monitoring: \$150-\$2250 or more. (A)

g. Ignition interlock: \$730-\$2800 or more. (A)

10. Indirect Expenses

a. Possible loss of employment. (DWI is considered misconduct and a service member can be discharged from the military for misconduct.)

b. Alternate transportation.

c. Possible medical expenses.

d. Insurance: Can double your rates. (A)

e. Civil Suits: unlimited potential. (A)