

Case Brief 2 GBA 335

Student's Name

Institution of Learning

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1. **Case Name:** Jakubowicz v. Dittmore, (W.D. MO.2006).
2. **The Pinpoints:** I. The procedural background (p. 2). II. The evidence (p. 2). Reasons for the implementation of a drug testing requirement (1. The cases of drug use among employees (p.4), 2. Perception of DHM employees as role models by the clients (p.6)). III. Discussion of the case (p. 8). Two justifications for the random drug testing: A. The safety reasons (p. 11), and B. The role model (p.16). Conclusion and court's sentence regarding the order (p. 18).
3. **Procedural History:** The court case is considered for the first time. It is processed by the United States District Court for the Western District of Missouri (Central Division). Before the actual date of the trial was scheduled, both parties expressed their desire to provide the written evidence relevant to the case. Missouri Department of the Mental Health submitted testimonies of two employees, whereas the plaintiffs provided the Exhibit A and Exhibit B (showing the DMH's announcements and restrictions regarding the random drug testing).
4. **Facts:** This case was initiated by the three employees of the DMH (namely, Mr. Jakubowicz, Ms. Wallen and Ms. Werley). The plaintiffs accused the DMH of the unconstitutional claims to submit the personnel to the random drug test. On April 6, 2005, the director of the DMH has promulgated the letter to all employees of DMH stating that DMH implemented the practice of random drug testing with an aim to ensure the safety of patients and work environment. Those employees who rejected the testing or whose test results were positive were relieved of their duties pending a further verification. DMH provided two justification issues regarding the implementation of the policy. The first statement was that DMH believed that some employees of the structure practiced illicit drugs use. The second issue was that all staff of the DMH is the role

models for the patients and illicit drug use puts the clients at risk. The three plaintiffs argued that the policy of random drug testing had no relation to them.

5. **Issues:** First issue: The court had to decide whether to impose the permanent injunction on Missouri Department of Mental Health for the random drug testing of the plaintiffs. Second issue: The court had to determine whether the practice of random drug testing used by Missouri Department of Mental Health is unconstitutional.
6. **Holding/Decision:** First issue: Yes. Second issue: No
7. **Rule:** The rule for determining whether Missouri Department of Mental Health should be imposed a permanent injunction is based on the Fourth Amendment to the United States Constitution. The particular Amendment protects the privacy and dignity of persons against the invasive acts of Governmental officers. According to the general logic of Fourth Amendment, the DHL had to show the substantial special need of drug testing in relation to plaintiffs in order to avoid the personal suspicion.
8. **Reasoning:** The Court evaluated the evidence of plaintiffs and the defendant. The latter provided the issues to justify the implementation of random drug testing policy. DNH showed the evidence of prior cases of illicit drug use by the employees at habilitation center. Besides, the defendant argued that its employees are the role models for the clients and the society, and the precedents of illicit drug use by the personnel threaten a proper view of such roles. DHL also argued that some of mentally retarded patients (especially those who are or were drug addicted) are better at identifying the drug users than the professionally trained staff. However, the defendant failed to provide the substantial evidence in this regard (statistics or special cases). Plaintiffs argued that the previous incidences of drug use were detected at a habilitation center. However, all three plaintiffs did not work there. There was no evidence of illicit drugs use at that time or before that at the facilities, where the plaintiffs worked. Besides, plaintiffs did not have a

direct access to drugs. They even were not engaged in direct patient-care process. Thus, there was no clear evidence that drug testing was needed at the plaintiffs' work environment. Taking into account the flaws in DMH logic regarding the use of the role model with regard to former drug users (that is if the DMH detected the drug user and provided treatment, the former drug user still would not be a positive role model for the clients), defendant failed to provide substantial evidence that the random drug testing was necessary for Southern Missouri Mental Health Center and Mid-Missouri Mental Health Center (the facilities, where the plaintiffs worked).

9. **Disposition:** The Court satisfied the order. Missouri Department of Mental Health obtained the permanent injunction for random drug testing in relation to the plaintiffs. However, DMH might use the drug testing if there was an obvious suspect that an employee used illicit drugs.
10. **Dissent/Concurrence:** There was no any dissenting party.
11. **Comments:** The entire drug testing policy initiated by the DMH was the "gesture of symbol" that reflected the attitude of official institutions towards illegal drug use. The Court understands that DMH being the governmental entity tried to ensure that its employees and patients were not involved in illegal drug use. Thus, particular will could not be treated as unconstitutional. For this primary reason, the part concerning injunction regarding the constitutional actions was not satisfied. However, DMH failed to show any substantial evidence that plaintiffs had some relation or could be related to illegal drug use or distribution among patients. Therefore, the part of injunction in relation to plaintiffs was satisfied.

Reference

The United States District Court For The Western District Of Missouri Central Division,

(2006). *Case No. 05-4135-CV-C-NKL*. Retrieved from

https://ecf.mowd.uscourts.gov/cgi-bin/show_public_doc?2005cv4135-59