

Philadelphia DAO Policy Regarding Fentanyl Test Strips



Effective Date: 1/29/21

As of this date, the District Attorney has announced a new policy regarding arrests and/or pending cases involving fentanyl testing strips: The goal is to promote a public health approach to prevention in regards to substance use. Fentanyl test strips empower people to use drugs more safely, reducing harms for people who use drugs, their families, and communities.

Like nearly all other policies, it creates a presumption for all DAO staff to follow. Acting contrary to this presumption requires approval of the District Attorney or a First Assistant District Attorney. Any staff member who believes there is good reason in a particular case to act contrary to the presumption is welcome to seek their approval after advising their supervisor.

CHARGING

Mere possession of fentanyl testing strips shall be declined for charging. If the case involves no other charge, the entire case should be declined. If the case involves other charges, proceed on the other charges.

PROSECUTIONS

For all pending cases in which mere possession of fentanyl test strips is charged, that charge shall be withdrawn no later than the next court listing. If the case involves no other charge, the entire case should be withdrawn. If the case involves other charges, proceed on the other charges.

This policy is consistent with the research on the public health benefits of fentanyl test strips for people who use drugs, and with other thoughtful jurisdictions' efforts to prevent fatal overdoses and to reduce harm from America's overdose crisis.