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## INTER-OFFICE MEMORANDUM

To: Honorable Board of Police Commissioners

Cc: Assistant Chief Todd Bettison, Chief's Neighborhood Liaison, Detroit Police Department  
Director Reid Branche-Wilson, Administrative Operations, Detroit Police Department

From: Ms. Melanie White, Interim Secretary to the Board of Police Commissioners  
Investigator Tiffany Stewart, Board of Police Commissioners

Re: **Detroit Police Department Proposed Directives Requesting BOPC Final Approval**

Date: Tuesday, May 4, 2021

Please be advised the Detroit Police Department (hereinafter 'Department') is requesting final Board approval of the below-listed directives. The Detroit City Charter Sections 7-802, 7-803, and 7-806 authorizes the Board with policy-approval authority. Based on this supervisory oversight authority, this report provides the Honorable Board with updates on the Department's Proposed / Revised Policy Directives and the status of any Board policy recommendations.

Please see the attached documents for further details.

1. Manual Directive 403.5 DRUG AND ALCOHOL ABUSE BY DEPARTMENT PERSONNEL POLICY (DRUG AND CONTROLLED SUBSTANCE POLICY)



## Manual Directive 403.5 DRUG AND ALCOHOL ABUSE BY DEPARTMENT PERSONNEL POLICY

### Introduction:

"The Drug and Alcohol Abuse by Department Personnel Policy provides guidelines on the Department's paramount interest in protecting its *members* and the public they serve by providing a safe and drug free work environment." The Board received the Department's policy during the first quarter of this year for the Board's approval.

### Board's Posting of Policy for Community Input and Feedback:

On Nov. 4, 2020, the 5,526 govdelivery subscribers received an alert about the policies and were invited to share their voice. More than 760 recipients opened the email and several looked at the content more than once for 1,530 total opens. Some 40 people visited the BOPC website. However, the BOPC did not receive any emails with comments or suggestions. Additionally, there were no public comments at meetings.

On January 13, 2021, the same three policies (Drug and Controlled Substance, Bias-Based Policing, and Promotional Process) were included in an alert with the newly proposed ShotSpotter policy directive. By that date, the number of subscribers had climbed to 5,799. This means that 273 additional people had the opportunity to comment, along with the earlier 5,500-plus subscribers. Again, the BOPC did not receive any emails with comments or suggestions. Additionally, there were no public comments at meetings.

Facebook posts shared the agenda for the 50 or so visitors last fall; however, publicity focused on Duty to Intervene as a new, major police reform policy and then on Gun Shot Detection/surveillance for public safety improvements.

### Detroit Police Department's Proposed Revisions:

**Revision (1):** To change the policy title, "Drug and Alcohol Abuse by Department Personnel Policy"

- **403.5 – 1 Drug and *Controlled Substance* Policy, PURPOSE** states in part "The purpose of this directive is to outline and *enforce procedures for maintaining a drug-free workplace.* (pg. 4)



**Revision (2):** Update Alcoholism to reflect “alcohol and substance abuse” for clarity to the Department members.

- **403.5 -7.1 Substance and Alcohol Abuse, Alcoholism** states in part, “**(1)** The Detroit Police Department recognizes alcoholism (diagnosed as “alcoholism” by a qualified alcoholism counselor) as a treatable illness in which a member’s consumption of any alcoholic beverage, definitely and repeatedly, interferes with job performance, impacts the Department’s image, and the member’s health; **(2)** The social stigma often associated with this illness has no basis on fact. Any member having this illness will receive the same careful consideration and offer of treatment that is presently extended to all members having any other illness as the Department’s concern is strictly limited to the effects of this illness upon the member’s job performance, the Department’s image in the community, and the member’s health; and **(3)** It is expected that through these procedures, Department members who suspect they have an alcoholism problem, even in its early stages, will be encouraged to seek diagnosis and treatment and, when indicated, to follow through with prescribed treatment upon the direction of the Employee Assistance Program.” (pg. 4)

**Revision (3):** On page 1 add **403.5 – 3 DRUG AND CONTROLLED SUBSTANCE POLICY *Definitions.***

- **403.5 – 3.1 Controlled Substance**, “Any substance that is illegal to consume, possess, manufacture or distribute, or any psychoactive substance, drug, or medication that requires the prescription of a licensed medical practitioner.
- **403.5 – 3.2 Drug**, “Any substance, including but not limited to, controlled substances, alcohol and over-the-counter medications, that has the potential to impair judgement or functioning.
- **403.5 – 3.3 Drug Screening**, “The compulsory production and submission of urine or blood, or submission to a breath alcohol analyzer system, in accordance with Department policies and procedures, to detect prohibited drug usage.
- **403.5 – 3.4 Random Selection**, “A method of selection in which every Department member has an equal chance to



be chosen for drug testing each time a selection is conducted.

**Revision (4):** To add a statement regarding the use or possession of marijuana.

- **403.5 – 4.1 Drug and Controlled Substance Policy, Use of Marijuana (2)** states in part, *“The Detroit Police Department does not permit members to use or possess marijuana for medical or personal use under the current laws of the State of Michigan, regardless of the member’s duty status.”*

**Revision (5):** To update and change the title of **403.5 – 4.2** “Employment Impact - Medical Marijuana Act, to “Controlled Substances” because the Detroit Police Department does not allow for controlled substance abuse, including medical or recreational marijuana.

- **403. 5 – 4.2 Drug and Controlled Substance Policy, Controlled Substances**, states in part, *“(1) Members shall not possess, dispense, or ingest any schedule 1 controlled substances; (2) Members shall not possess, dispense, or ingest and schedule II, III, IV, V controlled substances; and (3) Members may possess or ingest schedule II, III, IV, V controlled substance when prescribed by a licensed physician or other authorized health practitioner and then only in accordance with the prescribed dosage and frequency.” (pg. 2)*

**Revision (6):** To delete “Use of Hemp” section because it is obsolete.

- **403.5 – 3.3 Use of Hemp**, states in part, *“ Any Department member who knowingly ingests and/or uses *hemp seeds, oils, or by-products, or any derivative of these products* shall be subject to the same rules and discipline as it applies to the use of marijuana.” (pg. 2)*

**Revision (7):** Update the “Supervisor’s Responsibility” section to reflect current practices.

- **403.5 – 5.1 Supervisor’s Responsibility (1)** states in part, *“A supervisor receiving information, observing, or having personal knowledge of the illegal use of drugs by another member shall notify Internal Affairs immediately*



by making proper notification to the Internal Affairs Alert Desk at (313) 596-2447 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. After hours, on weekends, and holidays, immediate notification shall be made to Notification and Control at (313) 596-2170.”

**Revision (8):** Update the “Drug Screens” section to reflect current practices.

- **403.5 – 6 DRUG SCREENS (1)** states in part, “*All members of the Department are subject to random drug screening, at any time, when authorized by the Chief of Police or designee. In addition, drug screening of members will be conducted as part of the confirmation process, the promotional confirmation process, the restoration process, or whenever reasonable suspicion of the illegal use of drugs by a Department member exists; and (2) Refusal to submit to or avoidance of drug screening will result in immediate suspension and implementation of dismissal procedures.*”
- **403.5 – 6.2 Members Duty to Report**, states in part, “*Members who come into contact with any illegal drug or controlled substance during the course of their official duties shall immediately notify their supervisor (Reference Manual Directive 403.2 -7.5, Exposure Incident).*”

**Revision (9):** Update the “Alcoholism” section to reflect current practices.

- **403.5 – 7.2 Substance Abuse** states in part, “*Department members who voluntarily ask for assistance with a substance abuse problem (abuse of a legally obtained controlled substance or alcohol) prior to it coming to the attention of the Department will be assisted with reasonable rehabilitation efforts without disciplinary intervention. Reassignment or restriction of duties may be required during this process. Failure of a member to respond to rehabilitation efforts or subsequent incidents of abuse may result in disciplinary action.*”
- **403.5 – 7.3 Employee Assistance Program (EAP)** states in part, “*The Employee Assistance Program (EAP) is a voluntary, work-based program that offers free and confidential assessments, short-term counseling,*



*referrals, and follow-up services to members who have personal and/or work-related problems. EAPs address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse. The Department's EAP is an entity that operates under Police Medical."*

- **403.5 – 7.4 Supervisor Responsibilities** states in part, "A supervisor observing unsatisfactory job performance, attendance, or poor health on the part of any member of the command, which the supervisor believes is the result of *alcohol or other substance abuse*, shall give the member the option to go to Police Medical for *an evaluation and possible referral to the Employee Assistance Program*. If a member declines the option to be evaluated by Police Medical, and the supervisor believes that a *fitness for duty evaluation* is appropriate, they shall contact Police Medical immediately and be guided by their direction (*Reference Manual Directive 401.8 – 6, Police Medical and Duty Status, Fitness for Duty*). Police Medical shall make *all referrals* to the Employee Assistance Program."

**BOPC RECOMMENDATION:**

Based on a thorough review and evaluation of the Department's revised policy, national best practices, and lessons learned, the Board of Police Commissioners' recommendation is to approve the policy as proposed by the Department.



CITY OF DETROIT  
BOARD OF POLICE COMMISSIONERS

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**Attachments:**

1. Berkeley Police Department Administrative Drug and Alcohol Testing Procedure General Order D-19
2. Atlanta Police Department Policy Manual Drug Screening Procedure SOP .2024
3. Chicago Police Department Drugs, Drug Abuse, and Mandatory Physical and/or Psychological Examinations Policy E01-09
4. Cincinnati Police Department 15.112 Use of Chemical Substance Policy
5. The President's Task Force on 21<sup>st</sup> Century Policing Manual