



SPECIAL ORDER

DATE OF ISSUE

12/16/2022

EFFECTIVE DATE

12/16/2022

NUMBER

22-49

SUBJECT

DRUG AND CONTROLLED SUBSTANCE

REVISIONS

Revisions are italicized

RESCINDS

**Department Manual
Directive 403.5. DRUG and
ALCOHOL ABUSE by
DEPARTMENT
PERSONNEL**

EXPIRATION DATE

12/16/2023

DISTRIBUTION

B

PURPOSE

The purpose of this directive is to outline and enforce procedures for maintaining a drug-free workplace.

POLICY

The Detroit Police Department has a paramount interest in protecting its members and the public they serve by providing a safe and drug free work environment. The professional responsibilities and integrity of the Department demand that members refrain from illegal drug use, or the abuse of any drug or alcohol, and remain free of the negative consequences of that abuse. The Department shall not and will not tolerate the use of illegal drugs *or substances consumed, inhaled, ingested, or utilized by members that result in a positive test for a controlled substance.*

DEFINITIONS

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.

Drug

Any substance, including but not limited to, controlled substances, alcohol, and over-the-counter medications, that *may test positive for a controlled substance that has the potential to impair judgment or functioning.*

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.

Entheogenic Plants

The full spectrum of plants, fungi, and natural materials or their extracted compounds, limited to those containing the following types of compounds: indole amines, tryptamines, and phenethylamines whether controlled under any state or federal law, but not does not include lophophora williamsii (“peyote”) until such time as peyote is no longer considered endangered by the Native American Church.

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.

PROCEDURES

The use of controlled substances includes the illicit use, procurement, possession, distribution, or delivery of narcotics, controlled substances, or *substances that test positive for controlled substances*. Members found to be in violation of this policy will be subject to discipline up to and including termination.

Use of Marijuana or Products Containing THC or Entheogenic Plants

1. *Members shall not, on or off the job, ingest, use, or otherwise consume marijuana or products containing THC or entheogenic plants. This prohibition applies to use of any form of such drugs, including but not limited to smoking, injecting, eating, or topical use, by itself or in combination with other products.*
2. *The presence of any detectable amount of marijuana or products containing THC or entheogenic plants in the member's system while at work, while on the premises of the Department or municipal property, or while conducting or performing Department business is prohibited.*
3. In accordance with Department policy on the use of marijuana, a member undergoing an ordered universal random or probable cause drug screen which tests positive for marijuana, *THC, or entheogenic plants* may be terminated, suspended without pay, required to satisfactorily participate in a drug education program, and be subjected to periodic unannounced testing for a period of five (5) years. Any further use of marijuana *or any substance that tests positive for THC*, or the member's failure to satisfactorily participate in the drug education program shall constitute grounds for dismissal.
4. The Detroit Police Department does not permit members to use or possess marijuana *or other substances with THC or entheogenic plants* for medical or personal use under the current laws of the State of Michigan, regardless of the member's duty status.
5. The policy in no way limits the prerogative to appropriately discipline its members for conduct related to the use of marijuana.

Controlled Substances

1. Members shall not possess, dispense, *use*, or ingest any schedule I controlled substances.
2. Members shall not possess, dispense, *use*, or ingest any schedule II, III, IV or V controlled substances.
3. Members may possess or ingest a schedule II, III, IV, or 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.

Use of Hemp

Any Department member who knowingly ingests and/or uses hemp seeds, oils, or by-products, or any derivative of these products that results in a positive test for THC shall be subject to the same rules and discipline as it applies to the use of marijuana.

Criminal Charges

In appropriate circumstances, criminal charges will be filed for violations of applicable statutes.

MEMBER'S RESPONSIBILITY

Any member observing, receiving information, or having personal knowledge concerning the illegal use of drugs by a member of the Department shall immediately report the matter to a supervisor and/or Internal Affairs.

Supervisor's Responsibility

1. 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 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.
2. After immediate notification is made, a supervisor shall prepare a full written report on an Inter-Office Memorandum (DPD568), to be forwarded directly to the commanding officer of Internal Affairs. This report shall include any actions, information, or statements exactly as observed, received, or stated, being particular to include names and addresses of all witnesses. In the event the information concerns a member assigned to the command of the supervisor preparing the report, the commanding officer shall be notified.

Withholding Knowledge

Members withholding knowledge of the illegal use of drugs by other Department members, as defined by this directive, shall be subject to discipline, up to and including discharge from the Department.

DRUG SCREENS

1. 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.
2. Refusal to submit to or avoidance of drug screening will result in immediate suspension and implementation of dismissal procedures.
3. The Department's drug screening instructions are delineated in Police Medical's Standard Operating Procedures (SOP).

Reasonable Suspicion Defined

1. For the purpose of this directive, reasonable suspicion is a suspicion which has some factual foundation in the surrounding circumstances, observed by a Department member, when interpreted in light of the Department member's knowledge and experience.
2. Only the commanding officer of Internal Affairs, or designee, may order reasonable suspicion drugs screens. Department members having a reasonable suspicion of the illegal use of drugs by another Department member shall immediately notify the member's supervisor. The supervisor shall contact

Internal Affairs who shall make the determination as to whether a drug screen will be ordered.

3. A member screened for drug use based upon reasonable suspicion shall be informed of the nature and substance of circumstances giving rise to the reasonable suspicion. This provision does not affect the contractual provisions concerning discovery in disciplinary proceedings.

Reasonable Suspicion Defined

1. For the purpose of this directive, reasonable suspicion is a suspicion which has some factual foundation in the surrounding circumstances, observed by a Department member, when interpreted in light of the Department member's knowledge and experience.
2. Only the commanding officer of Internal Affairs, or designee, may order reasonable suspicion drugs screens. Department members having a reasonable suspicion of the illegal use of drugs by another Department member shall immediately notify the member's supervisor. The supervisor shall contact Internal Affairs who shall make the determination as to whether a drug screen will be ordered.
3. A member screened for drug use based upon reasonable suspicion shall be informed of the nature and substance of circumstances giving rise to the reasonable suspicion. This provision does not affect the contractual provisions concerning discovery in disciplinary proceedings.

Members Duty to Report

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).

SUBSTANCE AND ALCOHOL ABUSE

Alcoholism

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 in 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.
3. It is expected that through these procedures, Department members who suspect they may 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.

Substance Abuse

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.

Employee Assistance Program (EAP)

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.

Supervisor's Responsibilities

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 the 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.

Member's Responsibilities

1. It shall be the responsibility of the member to comply with the referral for the diagnosis and treatment and to comply with suggested or prescribed therapy.
2. A member refusing to accept diagnosis and treatment, or failing to respond to treatment, as determined by the supervisor, through rating the member's job performance in conjunction with reference to progress reports from the Employee Assistance Program, will be disciplined according to Department rules and regulations.

Records

The Employee Assistance Program shall maintain all records with respect to members afflicted with substance and/or alcohol abuse. These records shall be preserved in the highest degree of confidentiality.

JAMES E. WHITE
Chief of Police