

## **2.456 SUBSTANCE ABUSE**

### **2.456.05 Substance Abuse - General Provisions**

- A. Pursuant to the Drug-Free Schools and Communities Act, Public Law 101-226, the university has established programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees at the university.
- B. The university distributes copies of the Employee Drug and Alcohol Abuse Policy to all employees. The policy also contains information that the university is required to provide under:
  - 1. The Drug-Free Workplace Act of 1988;
  - 2. Public Law 100-690;
  - 3. The State of Maryland Substance Abuse Policy;
  - 4. Executive Order .01.01.1991.16; and
  - 5. The Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control.
- C. Officers will take appropriate law enforcement actions when they become aware of alcohol or CDS related criminal or motor vehicle incidents involving university students, staff, and faculty.
  - 1. When officers take law enforcement actions against university employees, and such employees were on-duty or operating State vehicles, officers will ensure the employees' supervisors are notified and informed that any administrative or personnel actions must be initiated by the employees' department through University Human Resources.
  - 2. Officers taking law enforcement actions against university employees pursuant to these directives will send CIS consistent with **2.442 Notifications**.
  - 3. Officers are responsible for referring students contacted for alcohol or CDS related offenses to the OSC consistent with **2.432.30 Referrals Upon Arrest &/or Charging**.
- D. Non-criminal and non-motor vehicle violations of the university's Drug and Alcohol Abuse Policy, e.g., working while impaired by alcohol, are administrative violations that must be handled between employees, their supervisors, and their departments through University Human Resources.
- E. There is no statutory or administrative basis that empowers officers to conduct field sobriety, PBT, breath test instruments, or other alcohol or CDS testing on university employees or students for non-criminal or non-motor vehicle violations of the university's Drug and Alcohol Abuse Policy.
- F. Alleged violations of the university's Drug and Alcohol Abuse Policy involving sworn agency personnel will be investigated and disposed of in accordance with university regulations, agency directives, and LEOBR.
- G. Other related directives pertaining to agency employees are contained in **1.920 Intoxicants, Drugs, and Narcotics**.

### **2.456.10 Persons Impaired or Under the Influence**

- A. Agency employees will take reasonable and prudent steps to ensure the safety of persons who are under the influence.
  - 1. Adults who are under the influence may be taken into custody and taken to medical facilities under authority granted by the Estates and Trusts 14-709.
  - 2. Juveniles who are under the influence may be taken into custody under authority granted in CJ 3-8A-14, if they are in danger from their surroundings.
- B. Adult and juvenile detainees who are under the influence will be afforded any necessary medical treatments consistent with **2.608 Sick or Injured Detainees**.
- C. Officers taking juveniles into custody will attempt to notify the parents, guardians, or adults responsible for juveniles as soon as practical of the fact that the juveniles have been taken into custody.
- D. Adults who are under the influence, are not in custody, and are capable of making rational decisions will be afforded opportunities to:
  - 1. Seek medical attention at health care facilities; or

- 2. Be taken by public conveyance, other notified party, or, if their residences are nearby, by agency vehicle to their place of residence.
- E. Adults who are under the influence, not in custody, are capable of making rational decision, and reside in university residence halls will be afforded opportunities to:
  - 1. Seek medical attention at health care facilities; or
  - 2. Be taken by agency vehicle or other notified party to their place of residence.
- F. Transporting officers will ensure notifications are made to appropriate DRL staff when intoxicated students are transported or taken to rooms in DRL residence halls.

### **2.456.15 Alcohol & Underage Persons**

- A. University regulations forbid unauthorized possession, use, or distribution of alcoholic beverages on or in university property. University regulations are consistent with state and county laws, and restrict on-campus use of alcoholic beverages in specified areas.
- B. All incidents or reports coming to the attention of the agency pertaining to the use of alcohol by persons suspected to be underage will be promptly and fully investigated.
- C. All incidents involving alcohol will be so noted in the appropriate CAD fields for incident related CCNs.
- D. Consistent with law, regulations, and agency directives, officers may initiate enforcement actions through the issuance of criminal or civil citations, making arrests, and/or making referrals to OSC.
- E. If underage persons are arrested for driving while under the influence or while impaired, other underage passengers who are involved in alcohol violations may also be charged with appropriate violations.
- F. When officers respond to parties where underage persons are found to be in possession of and/or consuming alcohol, they will:
  - 1. Attempt to contact and positively identify persons responsible for the parties;
  - 2. Attempt to obtain information relating to the identities and ages of party attendees; and
  - 3. Determine the extent, if any, of alcohol use.
- G. Enforcement actions may be initiated if it is determined that there are alcohol violations within houses or buildings, and legal access can be gained. These actions should include, but are not limited to:
  - 1. Identifying those responsible for the events;
  - 2. Arresting, referring to OSC, issuing citations to, violators;
  - 3. Confiscating and impounding alcoholic beverages; and
  - 4. Contacting property owners or agents.
- H. Officers will attempt to positively identify persons possessing or consuming alcoholic beverages and appearing to be underage.
- I. Employees should be alert to the use of altered or counterfeit identification documents, confiscate same, and take appropriate enforcement actions.
- J. Employees will attempt to identify persons responsible for purchasing, acquiring, or distributing alcohol illegally and take appropriate enforcement actions.
- K. Incidents involving liquor license holders will be documented in MIRs. Information that must be contained, where possible, in reports involving liquor license holders includes, but is not limited to:
  - 1. Establishment names;
  - 2. Names of employees illegally providing alcohol; and
  - 3. Whether fraudulent identification documents were involved.