

Bowie State University Police Department

General Order



<i>Subject: Use of Alcohol and Controlled Substances</i>	<i>Number: 16</i>
<i>Effective Date: January 1, 1996</i>	<i>Rescinds: Art. 3.10</i>
<i>Approved: Capt. B. S. Biscoe</i>	

This article contains the following sections:

- 16.1 Policy*
 - 16.2 Use of Alcohol*
 - 16.3 Use of Controlled Substances*
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16.1 Policy

16.1.1 It is the policy of the BSUPD that the critical mission of law enforcement justifies maintenance of an alcohol- and drug-free environment.

16.1.2 The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume those duties.

16.1.3 There is sufficient evidence to conclude that the use of alcohol and controlled substances, and other forms of drug abuse, will seriously impair a member's physical and mental health, and thus, job performance.

16.1.4 Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession, and public confidence in it, are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

16.2 Use of Alcohol

16.2.1 No member shall:

- a. Consume an alcoholic beverage while on-duty (except when authority is given by a ranking officer for a valid law enforcement purpose);

- b. Be under the influence of an alcoholic beverage while on duty;
- c. Consume an alcoholic beverage, whether on or off duty, while in full or partial uniform.

16.2.2 If a member has been accused of drinking an alcoholic beverage while on duty, or at any time while in full or partial uniform, or where there is visible and/or physical evidence of his/her being under the influence of an alcohol beverage, the following procedure shall be adhered to:

- a. The Shift Commander shall record the member's appearance and demeanor on Form 95.
- b. The accused member shall be required to submit to a dexterity performance test and a blood alcohol/urine test or breathalyzer test.
 - (1) The results of the tests shall be recorded by the investigating officer on the Form 95.
 - (2) The results of the breathalyzer test shall be recorded by the breathalyzer operator on the Form 95.
- c. The lapse of time, expressed in minutes between the initial report or observation of the member's condition and the intoxication test, shall be accurately recorded on the Form 95.
 - (1) The blood alcohol/urine test or breathalyzer test shall be administered as soon as feasible after initiation of the allegation.
 - (2) The two-hour limit, as outlined in the Transportation Article, is not applicable.
 - (3) However, the two-hour time limit shall apply if the member is or may be criminally charged with violating the Transportation Article, Section 21-902, Driving While intoxicated, Under the Influence of Alcohol or Under the Influence of a Drug, a Combination of Alcohol and a Drug or a Controlled Dangerous Substance.
- d. When a member is charged or may be charged with violating the Transportation Article, Section 21-902, the Shift Commander shall be responsible for following the proper procedures.
- e. Prior to charging any member, the Director, or the Shift Commander when the Director is not on duty and cannot be contacted, shall be consulted.

16.3 Use of Controlled Substances

16.3.1 No member shall illegally possess any controlled substance.

16.3.2 No member shall ingest any controlled or other dangerous substance, unless prescribed by a licensed medical practitioner.

- a. Members shall notify their immediate supervisor:
 - (1) When required to use prescription medicine which they have been informed has the potential to impair job performance; and
 - (2) Of the known side effects of the medication, and the prescribed period of use.
- b. Supervisors shall document this information through the use of an internal memorandum to the Director, and maintain a copy of the memorandum in a secured file.
- c. When appropriate, supervisors shall temporarily reassign the member to other duties he/she is capable of safely performing.

16.3.3 Members shall not ingest any prescribed or over-the-counter medication in amounts exceeding the recommended dosage.

16.3.4 Any member who unintentionally ingests a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to insure the member's health and safety.

16.3.5 Any member who reasonably believes that another member is illegally using or in possession of any controlled substance shall immediately report the facts and circumstances to his/her supervisor.

16.3.6 If a member has been accused of the unlawful use of a controlled dangerous substance, as defined in the Controlled Dangerous Substances Act, the following procedure will be adhered to:

- a. The Shift Commander shall record the appearance and demeanor of the accused on Form 95.
- b. The accused shall be accompanied by the investigating officer to a hospital where:
 - (1) An examination of the accused shall be conducted by competent medical personnel to determine the presence or absence of physical evidence or abuse; and
 - (2) The accused shall be ordered to submit to a urine chemical analysis and/or a blood test, which will be conducted by competent medical personnel.

- c. The Director shall immediately be notified by the Shift Commander and, if possible, shall be present when any examination is conducted.
 - (1) If a delay shall be encountered or anticipated, the ranking officer immediately available shall be present.
 - (2) Circumstances permitting, such examination should be conducted under the supervision of an officer who is at least two ranks superior to the accused.
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