



Policy Number: 324 – Drug and Alcohol Violations

Effective Date: July 29, 2020

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Approved By: Denis Otterness, Chief of Police

324.1 PURPOSE AND SCOPE

The Montana State University Billings Police Department (Department) will provide continuous and vigilant enforcement efforts directed toward persons who are or may be committing alcohol and/or drug violations.

324.2 DEFINITIONS

300.1.1 DEFINITIONS

Definitions related to this policy include:

Drug Violation: Any act that constitutes an offense under Title 45, Chapter 9 and Chapter 10 of the Montana Code Annotated.

Minor In Possession (MIP): As defined in Montana Code Annotated 45-5-624.

Driving Under the Influence (DUI): Any act that constitutes an offense under Title 61, Chapter 8 Part 4 of Montana Code Annotated.

324.3 DUI INVESTIGATION AND ENFORCEMENT

Due to the devastation caused by impaired driving, the investigation and enforcement of DUI related offenses is a priority for our Department. Officers shall develop probable cause or particularized suspicion to begin a DUI investigation. Probable cause or particularized suspicion shall be developed through common law enforcement practices that are accepted by the courts and consistent with this agency's policies and procedures.

Officers shall investigate all incidents involving suspected DUI drivers and shall physically arrest all persons in violation, as prescribed by law, and in accordance with Departmental policies.

324.4 MINOR IN POSSESSION OF AN INTOXICATING SUBSTANCE.

Officers shall develop probable cause or particularized suspicion to begin an MIP investigation. Probable cause or particularized suspicion shall be developed through common law enforcement practices that are accepted by the courts and consistent with this agency's policies and procedures. This includes reports of alcohol violations occurring in University residence halls. Officers should request from anyone suspected of MIP that they submit to a Portable Breath

Policy Number: 324 – Drug and Alcohol Violations

Page 2 of 2

Test. Suspected offenders do have the right to refuse to submit to the PBT and a breath sample shall not be forced or coerced.

Any person under the age of 21, who has consumed an intoxicating beverage, shall not be charged or prosecuted if the elements of medical amnesty are met in accordance with Montana Code Annotated 45-5-624 (11).

324.5 INVESTIGATION AND ENFORCEMENT OF DRUG RELATED CRIMES

Officers shall develop probable cause or particularized suspicion to begin a drug related investigation. Probable cause or particularized suspicion shall be developed through a report of an offense or common law enforcement practices that are accepted by the courts and consistent with the agency's policies and procedures. Particular attention should be placed on conducting legally authorized and appropriate search and seizure. Refer to Department Policy #310 – Search and Seizure for additional information.

Officers shall investigate all incidents involving Criminal Possession of Dangerous Drugs (CPDD) and Criminal Possession of Drug Paraphernalia (CPDP) and should issue a citation.

All other drug violations under Title 45, chapter 9 and chapter 10 of the Montana Code Annotated shall be investigated by use of common law enforcement practices that are accepted by the courts and consistent with this agency's policies and procedures.

324.6 STUDENT CONDUCT VIOLATIONS

The Assistant Chief of Police, Clery Program Assistant, and Patrol Sergeant will coordinate with the Dean of Student Engagement and Associate Dean of Student Engagement to ensure appropriate information is shared in regards to any potential violations of the code of student conduct.