

**REED COLLEGE
COMMUNITY SAFETY
DEPARTMENTAL DIRECTIVE**

CANNABIS: RULES OF ENGAGEMENT

Source(s): Guidebook to Reed Alcohol and Other Drugs (AOD) Policy, Guidebook to Reed Implementation Plan. Departmental Directive issued by the Community Safety Director.

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Principle

Community Safety Officers (CSOs) are charged with engaging all possible violations of college policy that are observed, reported, or reasonably believed to be taking place. CSOs are expected to balance the autonomy and privacy of students with the college's responsibility to enforce its policies and comply with the applicable state and federal laws.

Intercultural Considerations

All individuals have had past experiences with uniformed officers and "authority figures." Regardless of the CSO's approach and demeanor, an individual's past experiences will inform their perceptions of the encounter to some extent. In particular, an individual's race, national origin, ethnicity, disability, gender identification, etc. may influence that individual's perception of an encounter—and the individual's history will typically be unknown to the CSO at the time of the encounter.

Moreover, some ethnicities/races are underrepresented among the Reed College community of students, staff, and faculty. Specifically, the percentage of community members from underrepresented ethnicities/races, including Asian, Latinx, African American, and Native American, is well below the national and local levels. This fact may lead individuals from underrepresented ethnicities/races to feel singled out, and it may lead community members who report suspicious activity—and CSOs—susceptible to disproportionately identifying individuals from underrepresented groups as suspicious or proximate to suspicious circumstances.

CSOs are expected to be alert for the possibility that they may have been alerted to a situation based on unconscious bias on the part of a reporting party, or that the CSO themselves has identified an individual or group based on their own biases because of the individual's perceived ethnicity/race, and to take care to ensure that objective criteria are used to evaluate reports and observations.

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Note Regarding Legalization of Cannabis in Oregon, July 2015

The recreational use of cannabis in the state of Oregon was legalized effective July 1, 2015. However, as of the date of this directive, cannabis remains prohibited at Reed College. The prohibitions exist for two primary reasons:

1. Measure 91, the Oregon law, expressly prohibits the use of cannabis in “public” places. Included in the law’s definition of “public” are all “schools.” Consequently, the Oregon law prohibits the use of cannabis by anyone on college property and/or at any college sponsored events.
2. Federal law under the Controlled Substances Act and the Drug Free Schools & Communities Act, prohibits the possession, manufacture, distribution, or use of any federally controlled substance at any Institution of Higher Education (IHE) receiving federal funds. Since Reed receives federal funds in the form of research grants, student financial aid, etc., Reed must prohibit cannabis, as it remains on the list of federally designated illicit drugs.

Intent

To provide clear guidelines for CSOs engaging likely violations of the AOD Policy as it relates to the possession or use of cannabis on campus, on college controlled property, and/or at college sponsored events.

Definitions

- + Odor of Cannabis: For the purposes of this directive, "odor of cannabis" refers to any odor/smell of cannabis detectable to a CSO by use of their normal perceptual faculties. “Odor of cannabis” may come from any of the following (and from substances not listed), including but not limited to:
 - + cannabis smoke from burned cannabis in a bong, pipe, joint, etc.
 - + cannabis vapor from a vaporizer, vaping device, etc.
 - + cannabis tinctures, oils, lotions, or other preparations, etc.
 - + cannabis edibles
 - + containers or packaging with cannabis residue

Departmental Policy

CSOs who detect the odor of cannabis anywhere on college owned or controlled property, and/or at a college sponsored event, are required to take reasonable steps to determine the source of the odor. CSOs are to determine, if possible, whether or not an AOD violation is taking place, and to identify any responsible students or other persons. If a violation of the college’s AOD policy is detected, the CSO shall take appropriate actions in accordance with college policy and departmental directives.¹

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- + Evidence of Cannabis: For the purposes of this directive, "evidence of cannabis" refers to any direct observation made by a CSO, including, but not limited to, "odor of cannabis," seeing cannabis paraphernalia, physical actions consistent with cannabis use, packaging or other written evidence of cannabis, etc.
- + Additionally, first-hand reports from named community members of cannabis use or possession will generally be considered "evidence of cannabis" for purposes of this directive.

GENERAL GUIDELINES

Odors of Cannabis

If a CSO is able to detect the odor of cannabis through his/her normal sense of smell, and the CSO is reasonably certain that the odor originates inside a college facility, including residence halls, the CSO shall take reasonable steps to determine the source of the odor. The lists below show examples of what may and may not be considered "reasonable," but are not intended to be all-inclusive.

Actions generally considered "reasonable" to determine the source of a cannabis odor include the following:

- + Entering a common area, such as a common room, hallway, breakroom, vestibule, laundry room, storage room, or similar area.
- + Inspecting areas listed above, to include unlocked "common use" cabinets, waste/recycling receptacles, and other areas that could reasonably be the source of the odor.
- + Contacting people in or immediately adjacent to the perceived source of the odor.
- + Contacting people in student residences, offices, classrooms, or other private or enclosed spaces--verbally--when the door is open.
- + Knocking on the door to a student residence, office, classroom, or other private or enclosed space when the CSO reasonably believes that the specific room is, more likely than not, the source of the odor.

Actions *not* typically appropriate for determining the source of a cannabis odor include the following:

- + Unlocking/opening closed doors to student residences, apartments, or private offices unless expressly invited/requested to do so by the occupant(s).

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- + Looking into the windows of student residences from the outside, except when visible from normal transit paths (e.g., sidewalks, parking lots, roads, etc.) or routine areas of patrol.

Other Evidence of Cannabis

If a CSO is able to detect the likely presence or use of cannabis through his/her normal senses, or based on a credible report from a Reed community member, the CSO shall take reasonable steps to verify their observations or the report. The lists below show examples of what may and may not be considered “reasonable,” but are not intended to be all-inclusive.

Actions generally considered “reasonable” to verify the presence or use of cannabis include the following:

- + Entering a common area in a facility, such as a common room, hallway, breakroom, vestibule, laundry room, storage room, or similar area.
- + Inspecting areas listed above, to include unlocked “common use” cabinets, waste/recycling receptacles, and other areas that could reasonably be the source of the odor.
- + Contacting people in or immediately adjacent to the perceived source of the odor.
- + Contacting people in student residences, offices, classrooms, or other private or enclosed spaces verbally when the door is open.
- + Knocking on the door to a student residence, office, classroom, or other private or enclosed space when the CSO reasonably believes that the specific room, more likely than not, contains cannabis or that cannabis use is taking place.

Actions *not* typically appropriate for determining the source of a cannabis odor include the following:

- + Unlocking/opening closed doors to student rooms, apartments, or private offices unless expressly invited/requested to do so by the occupant(s).
- + Looking into windows to student residences from the outside, except when visible from normal transit paths (e.g., sidewalks, parking lots, roads, etc.) or routine areas of patrol.

Specific Cannabis Engagement Guidelines

When attempting to determine the source of cannabis odor the following guidelines shall be used:

Common Areas & Hallways:

- + Examine visually.

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- + Inspect unlocked “common use” storage rooms, cabinets, phone booths, etc. if appropriate to the circumstances.
- + Inspect waste/recycling containers, if appropriate.
- + Contact individuals present in the immediate area of the odor.
- + If a CSO cannot narrow down the source of the odor to a specific individual or room, document the odor as an AOD violation (*Evidence of Drug Use*) for the general area.

Residence Hall Rooms

- + Examine rooms that are visible from the outside (see guidelines below).
- + When a CSO can determine, via cannabis odor or a combination of odor and seeing and/or hearing, the source of the odor to be a specific room, the CSO may take reasonable steps to make contact with the room occupant(s) (see guidelines below).
- + If a CSO cannot narrow down the source of the odor to a specific room, they are to document the odor as a Proximity *Odor of Cannabis* (for the general area), with specific residence hall rooms included in the report

Apartments, Private Offices, Office Suites, Classrooms, and Other Shared Academic Spaces

- + Same guidelines as for residence hall rooms.

Making Contact With Room Occupant(s) Regarding Odor of Cannabis

A CSO may call into a room where the door is open or ajar, but may not enter or move a door that is open or ajar without permission from the occupant.

- + When the door to a room is closed, or when calling through an open/ajar door is not practical or effective, a CSO may knock on the door and announce, “Community Safety” or “CSO.”
- + If the first knock and announcement does not result in contact with the occupant(s), a CSO may knock and announce a second time.
- + If the second knock and announcement does not result in contact with the occupant(s), the CSO shall document the odor as an AOD violation (*Evidence of Drug Use*) and list the specific room number in the report. The CSO shall also determine the name(s) of the listed occupants and include any names in the incident report.
- + If the CSO determines that a cannabis odor is coming from a specific room, and if the CSO has reason to believe that the room is occupied, but no one answers the door, the CSO shall note this in the report. The CSO may also call to the

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occupant(s) and state that, if no one answers the door, the incident report for the odor of cannabis will note the name of the listed occupant.

- + After the second attempt to contact the occupant the CSO shall make no further attempts to contact the occupant(s).

Entering Rooms Subsequent to Detecting the Odor of Cannabis

- + If a CSO contacts a room occupant based on the odor of cannabis, the CSO may ask permission to enter the room if the CSO reasonably believes any of the following to be true:
 - + There is smoke in the room (from any source) that should reasonably have been expected to trigger the smoke detector, but no alarm has sounded. The purpose of asking to enter will be to inspect the smoke detector to determine whether or not it has been disabled and/or to request a work order to have it inspected.
 - + The CSO reasonably believes that there is cannabis inside the room because of direct observations or statements from the occupant(s). Observations could include seeing a bong, pipe, cannabis cigarettes, un-smoked cannabis flower, or containers/paraphernalia commonly associated with possession and use of cannabis.
 - + The CSO reasonably believes that there are any other potential safety issues, such as people who appear to be unconscious, evidence of open flame, etc.
- + If a CSO requests permission to enter a room and the permission is granted, the CSO shall take appropriate actions based on any AOD or other potential life-safety issues discovered during a visual inspection, including confiscating suspected illegal drugs, alcohol in possession of minors, inspecting smoke detectors that appear to be disabled and/or malfunctioning, etc.
- + If a CSO is denied permission to enter a room, the CSO shall not enter *unless the CSO detects an imminent threat of injury or death*. A visibly disabled smoke detector, evidence of fire, or similar circumstances meet this standard. If a CSO believes that there is an urgent need to enter the room, but no permission is granted and there is not imminent threat of injury or death, the CSO shall remain at the scene and contact the CS Manager On-Call (CSMOC) for instructions.
- + If a CSO observes evidence of drug use through an open door (e.g., a bong or other paraphernalia, cannabis, etc.), but no students are present, the CSO may enter the room for the purpose of taking possession of the cannabis and any other illicit substances.

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- + Any drugs, or other evidence of an AOD violation (e.g., evidence of manufacture or distribution of drugs) in plain sight shall be seized.
 - + Reasonable attempts should be made to contact the residing student(s) as soon as possible.
 - + If contact with the resident(s) cannot be made before the CSO has completed inspecting and seizing evidence, an email will be sent to the resident(s) and the appropriate Area Coordinator immediately.
 - + The CSO shall contact the CSMOC immediately any time a room is entered for this purpose.
- + If a CSO observes evidence of drug use as above through a window of an unoccupied residence, but the residence is secured, the CSO shall not enter the residence. The CSO's observations shall be documented in an AOD report (*Evidence of Drug Use or Drug Possession*) per normal procedures and the appropriate notifications made.

When Attempting to Determine the Presence/Use of Cannabis, Generally:

- + Examine labels affixed to containers that a CSO may reasonably believe contain cannabis.
- + Asking students or others to disclose whether or not a substance contains cannabis.

Disposition of Confiscated Items & Materials

***Note:** Paraphernalia used for the ingestion of cannabis (e.g., pipes, bongs, vaporizers, etc.) and related to minor AOD violations will not routinely be confiscated. Individuals in possession of items with a persistent odor of cannabis should be advised to clean the item such that it does not produce the odor, or remove it from campus.

Cannabis products that are confiscated pursuant to a violation of the AOD policy shall be destroyed and discarded according to the following guidelines:

1. Document all confiscated items and materials in ARMS by describing them in a report narrative. It is not necessary to weigh confiscated materials.
2. Whenever practical, photograph all confiscated items and materials and include the photograph(s) in the ARMS report. Place copies of these photos in the *Report Photos* folder on Fileshare.
3. After disposing of Cannabis products by placing them into a plastic bag, and putting the bag in the locking drop bin, write that you have done so in the ARMS report.
4. Community Safety will request removal of the contents of the locking drop bin when necessary. Disposal should always be witnessed by two CS staff members.

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¹Reed College Guidebook, Alcohol and Other Drug Policy